THE OXFORD HISTORY OF THE UNITED STATES

1783–1917

Men of the older, gentler soil,
  Loving the things that their fathers wrought—
Worn old fields of their fathers' toil,
  Scarred old hills where their fathers fought—
Loving their land for each ancient trace,
Like a mother dear for her wrinkled face,
  Such as they never can understand
  The way we have loved you, young, young land!

Born of a free, world-wandering race,
  Little we yearned o'er an oft-turned sod.
What did we care for the fathers' place,
  Having ours fresh from the hand of God?
Who feared the strangeness or wiles of you
When from the unreckoned miles of you,
  Thrilling the wind with a sweet command,
  Youth unto youth called, young, young, land?

Badger Clark, *The Plainsman.*

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THE OXFORD HISTORY OF THE UNITED STATES

1783–1917

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PREFACE

THIS book was written during my tenure of the chair of American History at Oxford, and in the hope of introducing British readers to the history of the United States. English historians such as Charnwood, Henderson, and Trevelyan have already illuminated certain high peaks of American history. I am proposing to guide their countrymen, as it were, through the valleys into the plains: to tell a story of intrinsic interest which may also serve to explain the United States of to-day.

The questions asked by my English friends and pupils have largely determined the scope and direction of the narrative. I have incorporated descriptions of the country and the people at different periods. I have devoted considerable space to the outstanding personalities from Washington to Wilson, to social and economic development, to Anglo-American and Canadian-American relations, to the Civil War, and to the forty years preceding America's entry into the Great War. Interest in America and her history is so rapidly increasing among the younger generation that I have felt justified in adding a selected bibliography of the vast literature of the subject.

My excuse, for offering this book to my fellow countrymen also, is the point of view from which it was written. For, as an English poet (Charles Ashleigh) has said, 'England provides you with a quiet place in which to sit down in peace to write about America. And it gives you a far-off place of calm from which to view America.' Oxford is a haven of scholarly ease and quiet contemplation, compared with American

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universities, and the youth who give life and purpose to her ancient cloisters have a questioning and critical spirit, disturbing to the complacencies of other lands as well as their own. In that cool, sophisticated atmosphere, our country seemed more youthful and elemental than she ever did at home. The unity of her history was more easy to comprehend, the significance of it more ready to grasp.

Among the many persons who have encouraged and helped me to write this book, I wish particularly to thank certain colleagues at Oxford: Kenneth Bell, Reginald Coupland, Keith Feiling, Sir Charles Firth, Richard and Mary Sturge Gretton, John Johnson, Ephraim Lipson, Murray Wrong, and the late Professor Egerton. Their advice, criticism, and example have set for me a standard of excellence that I cannot hope to have attained; their friendship is the most precious fruit of my golden years at Oxford.

BLEAKHOUSE, S. E. M.
PETERBOROUGH, N.H.
August 1927

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The stanzas from Badger Clark's 'Plainsman', facing page iii, are from his *Sun and Saddle Leather* (Boston : R. G. Badger, 1922), by permission of the author and publisher.

ABBREVIATIONS USED IN FOOT-NOTES

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O. R. *Official Records, War of the Rebellion*: The number of the series is prefixed thus: '4 *O. R.*, xvi. 523.' *O. R. N.* means the naval series.

I

THE UNITED STATES IN 1790[1]

THIRTEEN English colonies in America declared 'to a candid world' on 4 July 1776 that they were, 'and of right ought to be, free and independent States.' Their mother country, after fighting them for seven years, admitted enough of this claim to end the war. Neither she, nor the rest of the old world expected much of the American experiment; and outside France only an occasional philosopher wished it well. Not that the rulers and statesmen of Europe perceived danger in American republicanism: rather did they promise themselves future entertainment from the spectacle of colonial clowns strutting in Roman togas. With Washington's army disbanded, and the navy dismantled, the United States was hardly a feather in the balance of power.

Merchants and traders were not so indifferent to the new nation, if the Thirteen States could be called a nation. As a source of raw materials for Europe, the United States was hardly in a class with the West Indies; but for a country of such vast empty spaces, it was an important market. Even with the Mississippi as its western boundary, the United States was equal in area to the British Isles, France, Germany, Spain, and Italy. Less than half this territory had yet come under the effective jurisdiction of the United States or of any State; and the population of four millions, including seven hundred thousand negro slaves, was dispersed over an expanse of coastal plain and upland slightly more extensive than France. And if the Trans-Appalachian country were ever settled, it would surely break

[1] The year 1790 has been taken as the central point of this description, because it was the year of the first federal census, with the first accurate statistics for the United States.

off from the Thirteen States. So at least believed the few Europeans who gave the matter a thought.

Whatever the future might promise, the United States in wealth and power seemed to be denied by political vagaries. America was attempting simultaneously three political experiments, which the accumulated wisdom of Europe deemed likely to fail: independence, republicanism, and federal union. While the British and the Spanish Empires touched the States on three sides, their independence could hardly be maintained without more of that European aid by which it had been won; and an independence so maintained would be only nominal. Republicanism promised instability; and federalism, dissolution. Since the Renaissance, the uniform tendency in Europe had been towards centralized monarchy; federal republics had maintained themselves only in small areas, such as the Netherlands and Switzerland. News from America in the years 1786–7 confirmed European observers in their belief that the history of the American Union would be short and stormy.

In the physiographic features of the settled part of America there was a certain uniformity. The coast-line was low and uninviting, except in northern New England, where it had something of the rugged picturesqueness of the western coast of Britain. South of New York stretched a long succession of barrier beaches in flattish curves, parting at the entrances of the great bays of Chesapeake and Delaware, and enclosing the shallow lagoons of Albemarle and Pamlico. A vast forest of conifers and hardwood swept up from the coast over the crest of the Appalachians, and down to the Great Lakes, the prairies of Illinois, the savannahs [1] of the lower Mississippi, and the Gulf of Mexico. Except for natural meadows along the rivers, open

[1] Prairie is the French, and savannah the Spanish, term for open grass-lands.

country did not exist in the land that the English colonists wrested from the Indians. Their farms had been cleared from the forest; and it was still too early to aver that the colonists had conquered the forest. Volney wrote that during his journey in 1796 through the length and breadth of the United States he scarcely travelled for more than three miles together on open and cleared land. 'Compared with France, the entire country is one vast wood.' Only in southern New England, and the eastern portion of the Middle States, did the cultivated area exceed the woodland; and the clearings became less frequent as one approached the Appalachians.

Throughout their greater part, then, the United States were a wilderness; and, in comparison with Europe, a crude half-civilized community in most of the peopled portion. The frontier with which America was chiefly concerned was not the international one, but an invisible line between white men and redskins, new settlements and wilderness. It was that frontier,[1] moving every year a little nearer the setting sun, which for a century marked the progress of American expansion, and largely determined the rhythm of American life.

Like western Europe, the United States lies wholly within the northern temperate zone, and the belt of prevailing westerly winds. The earliest European explorers had passed it by for the Caribbean and the St. Lawrence because they were seeking tropical plantations, fur-trading posts, and fishing stations. Their successors, in search of farm-lands, found the greater part of the Thirteen Colonies suitable for life and labour as are few portions of the non-European world. Yet the climate of the area settled by 1790 is in many

[1] *Frontier*, wherever found in this book, will be understood as having exclusively the American connotation. For the international frontier the word *boundary* is used.

respects unlike that of Europe. Westerly winds reach it across a continent, without the moisture and the tempering of the Atlantic. North-west is the prevailing wind in winter, and south-west in summer. Consequently the summers are everywhere hotter than in the British Isles, and the winters, north of Virginia, colder; the extremes of heat and cold in the same season are greater; the rainfall less,[1] although adequate for animal and plant life. Near the sea-coast a sea-turn in the wind may soften outlines, and play on an Englishman's heart-strings, but inland the dry air, clear sky, and brilliant sunlight foreshorten distant prospects, and make the landscape sharp and hard.

In most parts of the United States the weather is either fair or foul. It rains or shines with a business-like intensity; in comparison, the weather of the British Isles is perpetually unsettled. In the coastal plain of the Carolinas and the Gulf, there is a soft gradation between the seasons, and a languor in the air; elsewhere, the transition from a winter of ice and snow to a summer of almost tropical heat is abrupt.

> Our spring gits everythin' in tune
> An' gives one leap from April into June.

wrote Lowell. Except where the boreal forest of conifers maintains its sombre green, the sharp dry frosts of October turn the forest to a tapestry of scarlet and gold, crimson and russet. High winds strip the leaves in November, and by New Year's day the country north of Baltimore, along the Appalachians, and east of the Sierras, should be tucked into a blanket of snow.

This stimulating and exacting climate has helped to make the American a more nervous, emotional, and

[1] Except along the Gulf coast between Florida and Louisiana, which in 1790 belonged to Spain, and in a few mountainous areas. There the average annual rainfall is over 60 inches. Elsewhere in the United States, east of 90° west longitude, the annual rainfall averages between 30 and 60 inches. Map in Isaiah Bowman, *Forest Physiography*, p. 118.

physically active creature than his western European ancestors or contemporaries. The transformation was not completed by 1790. European observers of that period generally found the Americans lazy, in comparison with the European peasants they knew; and one gathers the same impression from the writings of energetic statesmen such as Washington and Hamilton. The larger part of the American people then lived under conditions of isolation resembling those of the Highland crofter; but in a land of such plenty that exertion had no attraction for the unambitious. Seashores yielded plenty of shell-fish; the tidal rivers teemed with salmon, sturgeon, herring, and shad in due season, and the upland streams with trout; every kind of game was plentiful, from quail and raccoon to wild turkey and deer; and at times the flights of wild pigeon darkened the air. Cattle and swine throve on the natural herbage and mast; Indian corn ripened quickly in the hot summer nights; even sugar could be obtained from the maple sap, or honey from the wild bee-trees. The American of the interior, glutted with nature's bounty and remote from a market, had no immediate incentive to produce much beyond his own actual needs; yet the knowledge that easier life could be had, often pressed him westward to more fertile lands, and a higher scale of living. Hence the note of personal independence that was, and in the main still is, dominant in American life. 'The means of subsistence being so easy in the country,' wrote an English traveller in 1796, 'and their dependence on each other consequently so trifling, that spirit of servility to those above them so prevalent in European manners, is wholly unknown to them; and they pass their lives without any regard to the smiles or the frowns of men in power.' [1]

However independent of those above him the average

[1] Francis Baily, F.R.S., *Journal of a Tour*, p. 132.

American might be, he was dependent on those about him for help in harvest, in raising his house-frame, and in illness. In a new country one turns to one's neighbours for many offices and functions that, in a riper community, are performed by government or by specialists. Hence the dual nature of the American: individualism and herd instinct, indifference and kindliness, a combination so puzzling to longer established peoples. Isolation in American foreign policy is an authentic outcome of community isolation, as are the recent American relief organizations of primitive interdependence.

In 1790 there were only six cities (Philadelphia, New York, Boston, Charleston, Baltimore, and Salem) in the United States with a population of eight thousand or over; and their combined numbers included only three per cent of the total population.[1] Their aspect was not unlike that of provincial towns in Great Britain: brick houses in the Georgian style, often detached and surrounded with gardens and shrubbery; inns with capacious yards and stables; shops, or rather stores[2] with overhanging signs; places of worship modelled on the city churches of Sir Christopher Wren; market houses or city halls of the same style, often placed in the middle of a broad street or square, with arcades to serve as stalls or merchants' exchange. Socially, these towns were composed of a lower class of negroes, labourers, and mechanics; a middle class of shopkeepers, cabinet-makers, and silversmiths, whose products in the minor arts were not inferior to those of

[1] The proportion of urban to rural population did not pass 10 per cent until after 1840, when the Industrial Revolution had begun. According to the census of 1920 there were 746 towns and cities in the United States with a population of 10,000 and over, including 42·4 per cent of the total population.

[2] Most of the shops in American, before the nineteenth century—and even to-day, in rural districts—dealt in all kinds of commodities, both at wholesale and retail; and were therefore called stores.

provincial Britain; and an upper class of merchant shipowners, with a sprinkling of lawyers, physicians, and clergymen. In the four larger cities upper-class life was nearly that of a London merchant with a house in Bloomsbury or Soho; in the smaller towns the local magnate's widow might open a shop in a corner of her mansion, without loss of social consideration.

Wealth was not a conspicuous feature of the United States in 1790. Almost a century had to elapse before a European could find there anything impressive in the way of shops, mansions, architecture, or high living. There was nothing to compare with the great Adam country houses of the eighteenth-century landlords, the hôtels of the Faubourg St. Honoré, or the college buildings of Oxford and Cambridge. Nor was there anything to match the poverty of a European city; and even the slave population of the Carolina rice-fields was less wretched than the contemporary Irish peasant. The vast mineral resources of the country were practically untouched. Primitive forges and foundries, like those of the Sussex Weald, produced from bog-ore and surface deposits small quantities of pig-iron and crude articles of ironmongery; but Americans then imported most of their cutlery and hardware. Agriculture was the main occupation of nine-tenths of the people. Except along the Hudson, practically every farmer was a freeholder. Except among the Pennsylvania Germans and the more enlightened country gentry of the South, the methods of agriculture were incredibly wasteful and primitive, with little sign of the improved culture and implements that were then transforming rural England. Indian corn or maize was the principal food crop, with rye a poor second. Brown 'Rye and Injun' bread, corn-pone or hoe-cake (thin unleavened maize cakes), and hasty-pudding or hominy (two forms of maize porridge), with salt pork or codfish, washed down by rum, cider, or whisky,

formed the staple farmer's diet from Maine to Georgia.[1] Frontier conditions still prevailed over the larger part of the considerable area which had been settled within the last fifty years. The houses were commonly log-cabins of one or two rooms and a cock-loft; the fields were full of stumps, and acres of dead trees strangled by girdling were a depressing sight to travellers.

Bad roads were one of the penalties Americans paid, until the present generation, for their dispersed settlement and aversion from taxation. In 1790 the difficulties of communication were so great that a detour of several hundred miles by river and ocean was often preferable to an overland journey of fifty miles. It was almost as difficult to convene the first Congress of the United States as in former times the Councils of Constance and Basel. There was a main post-road from Wiscasset in Maine to Savannah in Georgia, over which passengers and mails were transported by light open stage-wagons, in approximately as many days as the railway now requires hours. It took twenty-nine days for the news of the Declaration of Independence to reach Charleston from Philadelphia. Bridges were few, even over the rivers and streams that were unfordable; the wooden pile structure across the Charles at Boston, about as long as London Bridge, was considered an immense feat of engineering. Washington managed to visit almost every State in the Union in his own coach without serious mishap; but he had to choose a season when the roads were passable, and to undergo discomforts and even dangers such as no British traveller then need have encountered south of the Clyde. As compensation he had to pay no more than the humblest traveller, and he was in no danger of highwaymen.

[1] Chastellux, in 1780, also notes the prevalence of hot wheaten biscuits, the bountiful breakfasts of the South, and 'the American custom of drinking coffee with meat, vegetables, or other food'.

Most American roads were merely wide tracks through the forest, full of rocks and stumps and frightful holes. Northern farmers reserved their heavy hauling for winter, when snow made even the worst trace practicable for sledges. Many of the roads that are marked on the early maps were mere bridle-paths or Indian trails, that would admit no wheeled vehicle. The upland South got its tobacco to tidewater by pivoting a pair of shafts to a hogshead, and rolling it down on the bilge. Inns were to be found at frequent intervals along the main roads; but they commonly fulfilled the function of neighbourhood pot-house better than resting-place for the weary traveller. The food was cheap and plentiful, but meals could only be had at stated hours—as in the largest American hotels within recent memory.[1] A traveller was fortunate to secure a bed to himself, or to arrive on the evening after the sheets were changed. Lieutenant Anburey, late of Burgoyne's army, regretted that he could not safely horsewhip the landlord who overcharged him. He might have fought the landlord, however, with bare fists, and been thought a better man for it.

Now that America has become famous for its sanitation, and for hotels with as many thousand baths as bedrooms, it is perhaps worth noting that in the eighteenth and early nineteenth centuries America impressed European travellers as an uncommonly dirty

[1] Any American traveller will recognize the prototype of the recent hotel proprietor, and the modern hotel clerk, in the landlord of Norfolk, Virginia, who, on being asked by a newly landed party of Englishmen in 1796 if they could have beds, 'without rising from his seat, answered with a seeming kind of indifference that "he *guessed* we could"'. Francis Baily, *Journal*, p. 100. Even in the larger mansions of Virginia it was common to put three or four guests in the same bedroom, according to the Marquis of Chastellux (*Travels*, ii. 202). The English love of privacy seems to have grown up largely in the eighteenth century; Americans have never developed it to the same extent, as may be seen in their restaurants, railway carriages, and hotels to-day.

country. From persons at that time accustomed to London or Paris, this meant a good deal. Even in the larger towns streets were seldom paved and never cleaned, offal was deposited in the docks; and, without wire screens, houses were defenceless against the swarms of flies and mosquitoes that summer brought. As no one had yet heard of disease germs, there were intermittent outbreaks of typhoid and yellow fever in the seaports as far north as New Hampshire; and the frontiersmen were racked every summer by malarial fevers and agues, transmitted by mosquitoes. Neat cottage gardens were rare; and the pioneer, regarding trees as enemies, neither spared them nor planted them for purposes of shade. Country farm-houses in the older-settled region were almost invariably of wood, usually unpainted, resembling dingy boxes surrounded by unseemly household litter. Stoutly and honestly built as they were, the wooden colonial houses that have survived long enough to acquire white paint, green blinds, lawns, shrubs, and century-old shade trees, are seen to have both distinction and beauty. In the eighteenth century, however, no one found much to admire in America in the works of man; and few Americans had the taste or leisure to appreciate the rugged grandeur of their mountains and forests, and their majestic rivers, swift rapids, and mighty waterfalls.

The United States of 1788 were not a nation, by any modern standard. Materials of a nation were present, but cohesive force was wanting. An English origin for the bulk of the people made a certain cultural homogeneity; the Maine fisherman could understand the Georgian planter much more readily than a Kentishman could understand a Yorkshireman, or an Alsatian a Breton. Political institutions, though decentralized, were fairly constant in form through the length and breadth of the land. But there was no tradition of

union behind the War of Independence, and it was difficult to discover a common interest upon which union could be built. Yet if some political nexus were not speedily found, and a national tradition quickly established, the Thirteen States were certain to develop a particularism similar to the States of Germany and Italy. The French chargé d'affaires at New York wrote to his Government in 1787, on the eve of the Federal Convention,

'There persists in the formation of these States a radical vice which will be opposed, forever perhaps, to a perfect union: the States have really no pressing interest in being under one head. Their policy, which is limited to their commercial speculations, inspires reciprocal aversion and jealousy: passions which during the war were absorbed by enthusiasm for liberty and independence, but which are beginning to recover their whole force.'

Already the problem was becoming complicated by the formation of settlements on the western waters, beyond the Appalachians. In the meantime, it would require the highest statesmanship to keep the thirteen commonwealths together; so widely did they differ in origin, tradition, religion, and economic interests. Most citizens of the United States in 1790, if asked their country or nation, would not have answered 'American' but Carolinian, Virginian, Pennsylvanian, New Yorker, or New Englander. It is inaccurate and misleading even to-day when the permanence of the American Union is assured, to regard the United States as a nation in the sense that France and Great Britain are nations. One may as well attempt to describe a family without its members as the United States without the States.

II

THE NORTH

1790

1. *New England*

NEW England, including the five States of New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, is a distinct physiographic as well as a political province; a varied rolling surface, largely on granite bed-rock, with isolated summits up to seven thousand feet in altitude. Excepting tidewater Virginia, it was the oldest settled part of the Union, and had an even million people, one-quarter of the total. These were not the descendants of *Mayflower* passengers. The seed of the Pilgrim Fathers had not yet spread much beyond the 'Old Colony'—Plymouth County and Cape Cod, which had been annexed to Massachusetts in 1692. The New Englanders of 1790 were, however, largely of English puritan origin, products of the great migration of 1630–7, with later English accretions, and a strong dash of Ulster. Climate, soil, and religion had produced in a century and a half a strongly individualized type, the Yankee,[1] perhaps the most persistent ingredient of the American mixture.

The Yankee was the American Scot; and New England was an eighteenth-century Scotland without the lairds. A severe climate, a grudging soil that had to be cleared of boulders as well as trees, and a stern puritan faith, dictated the four gospels of education, thrift, ingenuity, and righteousness. By necessity rather than choice, the New Englanders acquired an aptitude for maritime enterprise and trading. Between

[1] The term *Yankee* means properly a New Englander, or one of the old New England stock; and in that sense only is employed here.

the Hudson river and the Penobscot there were some two-score market towns and seaports, actively engaged in building ships from local timber, in trading overseas, and in striving to surpass Boston's population of eighteen thousand. Headlands such as Cape Cod and Cape Ann were fringed with fishing villages, which fitted out schooners for the Grand Banks and Labrador; off the coast lay Nantucket, the whaling metropolis. At Boston the representatives' chamber of the Commonwealth was graced by a corresponding symbol to the woolsack: the 'sacred codfish', whose salted flesh, esteemed alike by Spanish peasants, West India slaves, and American backwoodsmen, was the Yankee staple. The seamen of Salem had already ventured to the East Indies with much success when Boston, in 1790, celebrated the return of her ship *Columbia*, laden with tea, silk, and porcelain, from a voyage around the world. On her next voyage the *Columbia* sailed up a great river that Vancouver had passed by, gave it her name, and to its banks her flag.

The New England States were divided, politically, into townships, about thirty square miles on an average, containing from a hundred to several thousand people. Each was a unit for purposes of local government, conducting its own affairs by town-meeting and selectmen, supporting common schools by local rates, and electing annually to the State legislature a representative, whose votes and doings were keenly scrutinized by his constituents. The nucleus of every township was the meeting-house, part town hall, part place of worship, bordering on the village green. Outlying farms, by 1790, in most places outnumbered those with a village house-plot; and the common fields had been divided in severalty, and enclosed by uncemented stone walls. There was plenty of timber to supply the large open fire-places. Families were large, but estates were seldom divided below a hundred acres; a

Yankee farmer hoped to make a scholar or minister out of one son, to provide for a second with a tract of wilderness, and let the rest earn their living by working for hire, going to sea, or learning a trade. Until 1830 or thereabouts the American merchant marine was manned largely by New England lads who were seeking the wherewithal to purchase land and set up housekeeping.

Compact settlement and village life might well have produced in New England a second merry England, but for the two kill-joys of hardship and puritanism. This latter force had altered its quality without its pervasiveness. Puritanism was less grim than in the seventeenth, less petty than in the nineteenth century. 'Holy days' were still proscribed, and the puritan sabbath was still observed; but there was plenty of dancing and drinking at rural barn-raisings, or corn-huskings;[1] and on public occasions such as ship-launchings, ordinations, college commencements, and Thanksgiving Day—the puritan substitute for Christmas. On the whole, living was plain in New England; and the ample, generous tone of new countries was little in evidence. Even in the family of President Adams, we are told, the children were urged to a double portion of hasty-pudding, in order to spare the joint that was to follow. Idleness was the cardinal sin. If a Yankee had nothing else to do, he whittled barrel-bungs from a pine billet, or carved a model of his last ship; and he usually had much else to do. New England housewives spun, wove, and tailored their woollen garments, and made cloth for sale. Small fulling mills and paper mills were established at the numerous waterfalls; and distilleries in the seaports turned West India molasses into that beverage of grate-

[1] A 'raising' was the ceremony of erecting a house- or barn-frame, after the timbers had been properly cut and fitted; a corn-husking was a similar gathering to strip the sheaths from the ears of maize.

ful memory, New England rum. Wooden ware was made by snow-bound farmers for export to the West Indies; or nails were cut and headed from imported nail-rods, at fire-side forges; and in parts of eastern Massachusetts there was a domestic industry of boot-making. Connecticut, in particular, had attained a nice balance between farming, seafaring, and handicraft, which made the people of that State renowned for steady habits and mechanical ingenuity. Before the century was out, Eli Whitney of New Haven devised the cotton gin, and interchangeable parts for firearms; inventions which, for weal or woe, have probably affected the human race as deeply as those of Hargreaves and Arkwright. New England was ripe for an abrupt transition from handicraft to the factory system; but the success of her seafarers, and the facility of emigration, postponed industrial revolution for another generation.

Rhode Island, still true to the principles of her founder, Roger Williams, enjoyed complete religious liberty in 1790; and the Baptists, the most numerous sect in that State, had their own Rhode Island College, later Brown University. The Vermont frontiersmen never set up an established church. Elsewhere in New England every one was enrolled in some parish and paid church rates; normally in the town parish, which was generally Congregational in polity and Calvinist in theology. New England puritanism, in later generations, was to blossom into philosophy and belles-lettres; but in 1790 the New England intellect was mainly concerned with politics, and with getting on in the world. In Connecticut a group of 'Hartford wits' was producing Hudibrastic satire, and one dreary epic, Joel Barlow's 'Columbiad'. Noah Webster ventured to controvert the Johnsonian orthography in his American spelling-book of 1783, a prelude to the great dictionary; while at Boston Jedediah Morse rescued

American geography from the clutches of Guthrie, and in company with other patriotic elders, who wished to prove that the Muses could flourish in a new-world republic, founded the American Academy of Arts and Sciences, and the Massachusetts Historical Society.

The New Englanders were very well satisfied with themselves in 1790, and had reason to be; for they had struck root in a region where nature was not lavish, and produced a homogeneous, cohesive, and not unhappy society. Disorderly as colonists when royal governors attempted to thwart their will, the Yankees quickly passed through the cruder phases of democracy. For another generation the leadership of their clergy, well-to-do merchants, and conservative lawyers would not be successfully challenged. Outside New England, where they were familiar as traders and pedlars, the Yankees were regarded much as 'North Britons' then were by the English: often envied, sometimes respected, but heartily disliked.

2. *New York*

New York State was not homogeneous in 1790, and was never destined to attain homogeneity. Founded by the United New Netherland Company as a trading station in 1614, the Dutch, Flemish, and Walloon settlers were already outnumbered by English when the Duke of York seized the colony in 1664. In 1790 the old 'Knickerbocker'[1] families shared a social ascendancy with the descendants of English and Huguenot merchants; there were many villages where Dutch was still spoken; and Albany was still thoroughly Dutch, ruled by mynheers who lived in substantial brick houses with stepped gables. But the Netherlandish element comprised only one-sixth of the three

[1] Washington Irving popularized the term by his *History of New York by Diedrich Knickerbocker* (1809). There was an actual family of that name living near Albany.

hundred thousand inhabitants of New York State. For the rest, there were Germans in the Mohawk Valley and Ulster County; a few families of Sephardic Jews at New York City; an appreciable element of Scots and Irishmen, and a strong majority of English, among whom the Yankee element was fast increasing. The Episcopal Church had been disestablished in the Revolution, but, with the exception of the Dutch Reformed, was the only church to which a gentleman could belong.

New York was only the fifth State in population in 1790: a fourfold increase in thirty years made it first, in 1820. It was the settlement of the interior that made the difference. In 1790 the inhabited area of New York followed the Hudson river from New York City to Albany, whence one branch of settlement continued up the Mohawk toward Lake Erie, and a thin line of clearings pushed up by Lake George and Lake Champlain, which Burgoyne had found a wilderness. There were also a few islands of settlement, such as Cooperstown, where James Fenimore Cooper was cradled, in the midst of the former hunting grounds and cornfields of the Six Nations. It was as if the Thames valley alone had been conquered by the Saxons, and the remainder of England left a wilderness for the aborigines. Socially, New York was the most aristocratic of the colonies, not excepting Virginia. The royal governors had continued the Dutch policy of granting princely estates along the Hudson and in Albany County to magnates like the Van Rensselaers, Livingstons, Ogdens, and Schuylers,[1] and these 'patroons', as they were called, admitted settlers only as tenants. During the war New York City had been constantly in British occupation, and the Colony had given more soldiers to the King than to Congress. In consequence, some of the larger grants had been con-

[1] The *Sch* is hard, as in other American names of Dutch origin.

fiscated and divided; but most of the patroons managed to retain their estates. One out of every six New York families held slaves in 1790, and nine more years elapsed before gradual emancipation began. All existing freemen in the two cities, and £20 freeholders outside, could vote for assembly men, but only £100 freeholders could choose state senators or the governor; and the tenantry and smaller freeholders were unfranchised, unless granted a temporary faggot-holding by their landlords. For a generation the story of New York politics was to be, in the main, a struggle for the prestige and profit of office between the great Whig families, struggles waged by the means familiar to English eighteenth-century politics. Anticipating future developments, the landlords wisely seized every opportunity to improve their fortunes through alliance with mercantile firms, with lawyer-statesmen like Hamilton and Rufus King, and by speculation in western land.

The Hudson, in its course of a hundred and fifty miles between Albany and New York, passes through some of the finest scenery in America; especially at West Point, where it forces its way through the chain of highlands that connect the Berkshire hills of Massachusetts with the Pennsylvania Appalachians. New York City owed its prosperity, and its thirty-three thousand inhabitants, to a unique position at the mouth of this river, the greatest tidal inlet between the St. Lawrence and the Plate. It was the natural gateway to the Iroquois country, which was settled between 1790 and 1820; and in 1825 the Erie Canal, following the lowest watershed between the Atlantic States and the Lakes, made New York City the principal gateway to the West, and the financial centre of the Union. The merchants did not need to be so venturesome as those of New England and Baltimore, and they spent more on good living than on churches and

schools. They too had a family college—Columbia (late King's); but while Boston was forming learned institutions, and Philadelphia supporting a Philosophical Society, New York was founding the Columbian Order, better known as Tammany Hall. Yet it was in the midst of this wealthy, gay, and somewhat cynical society that Alexander Hamilton reached manhood, and Washington Irving was born.

New Jersey, a farming State of less then 200,000 inhabitants, has been compared with a barrel tapped at both ends by New York and Philadelphia. Travellers along the road between these two cities admired the Jersey apple orchards, the well-cultivated farms, and, at the pleasant village of Princeton, the college of Nassau-Hall, whose brick building, one hundred and eighty feet long and four stories high, was reputed to be the largest in the Thirteen States. At the falls of the Passaic river, near Newark, an incorporated company had just founded Paterson, the first factory village in America. South of this main road was a region of pine barrens and malarial marshes.

3. *Pennsylvania*

Pennsylvania, the second largest State in the Union, with a population of 435,000, had acquired a certain uniformity in diversity. Her racial heterogeneity, democratic polity, and social structure, ranging from wealthy and sophisticated merchants to the wildest frontiersmen, made Pennsylvania a microcosm of the America to be. Philadelphia, with its evenly spaced and numbered streets crossing at right angles, was the principal port of immigration for a century previous to 1825; and the boat-shaped, linen-covered wagons of the Pennsylvania Dutch needed but slight improvement to become the 'prairie schooner' of westward advance.

The State had just passed its centenary. It had well

fulfilled the pious intention of its founder, to make a refuge for the religiously oppressed. William Penn's first families of English, Welsh, and Irish Quakers had lost much of their primitive simplicity, and had withheld a fair share of political power from the newcomers; but they had granted complete religious liberty to the Scotch-Irish Presbyterians, and to the half-dozen German sects who established themselves in the province. These democratic elements, under the philosophical leadership of Franklin, had pushed the Quakers into the Revolution, and imposed on the State an unicameral legislature annually elected by manhood suffrage. The constitution of 1776 declared that the House 'shall consist of persons most noted for wisdom and virtue'; but that even the wisest and most virtuous might serve only four years out of every seven, lest long-continued power corrupt them. As the Quakers expected, the government thus constituted became notoriously factious and incompetent. In 1791 a new constitution with a bi-cameral legislature was adopted, but manhood suffrage was retained. Pennsylvania was still liberal in the eighteenth-century sense;[1] but the democratic tide would soon prove irresistible.

Negro slavery had never taken root in Pennsylvania; it was not needed. Penn's contemporaries improved upon the system of indented service by which Virginia had been supplied with labour in the previous century. German peasants were imported from the Rhineland to Philadelphia, where, in order to pay their passage, their services were sold by the shipmaster for a term of years, to householders and farmers. There was much cruelty and extortion in the process; but these 'redemptioners' were protected by law, and given an outfit when their term of service ended. Most of the prosperous German farmers of Pennsylvania had been

[1] It was the first American State to allow aliens to hold land.

redemptioners themselves, or were descended from immigrants of that class. Without some such system it would have been impossible for poor European peasants to reach America.

Philadelphia, admirably situated at the mouth of the Delaware and Schuylkill rivers, and with a population of 45,000 in 1790, was easily the first city in the United States for commerce, architecture, and culture. During the next ten years it was the seat of the Federal Government and of a more brilliant republican court than the city of Washington could show for a century to come. Owing largely to Quaker influence, Philadelphia was well provided with penal,[1] charitable, and educational institutions which European philosophers regarded as model; and they greatly prized membership in Franklin's foundation, the American Philosophical Society. It was here 'by Delaware's green banks' that Tom Moore in 1804 found Dennie and Ingersoll and Brockden Brown, but for whom

> Columbia's days were done,
> Rank without ripeness, quickened without sun.

These 'sacred few' were producing pallid imitations of the *Spectator*, dreary tragedies of medieval Europe, novels of mystery and horror; ignoring the rich colour and wilderness flavour of youthful Pennsylvania.

A few miles from Philadelphia one reached the garden spot of eighteenth-century America, a belt of Triassic lowland—rich soil developed on limestone and shales—that crosses the Delaware, Schuylkill, and Susquehanna rivers, and extends into Maryland. The fortunate inhabitants of this region were reaping huge profits in 1790 by reason of the European crop failures of 1789; and were to prosper still more through the

[1] The Duc de la Rochefoucauld-Liancourt's description, *Des Prisons de Philadelphie* (Amsterdam, 1799, also in English and Spanish translations), had considerable influence on the development of penal institutions in Europe.

wars that flowed from the French Revolution. 'The whole country is well cultivated', wrote a Dutch financier who passed through this region in 1794, 'and what forests the farmers keep are stocked with trees of the right kind—chestnut, locust, walnut, maple, white oak. It is a succession of hills, not too high, and the aspect of the country is very beautiful.'[1] Reading and Lancaster—which latter, with four thousand inhabitants, was the largest inland town in the United States; the York and Cumberland valleys, and the counties of Berks and Bucks, that one finds on the map of this region, create an inaccurate picture of a transplanted England; the bulk of the farmers and townspeople were German. They were by far the best husbandmen in America, using a proper rotation, with clover and root crops. Their houses were commonly of stone, and heated by stoves; their fences of stout posts and rails; but what most impressed travellers were the great barns, with huge gable-end doors, through which a loaded wagon could drive on to a wide threshing-floor, flanked by spacious hay-lofts, cattle and sheep pens, and horse stables. The Germans were divided into a number of sects, some of which, like the Amish Mennonites, have retained their quaint costumes and puritanism into the twentieth century. They supported six weekly newspapers in their own language, and were as keen household manufacturers as the Yankees; but Chastellux found them lacking in public spirit, compared with the English-speaking Americans, 'content . . . with being only the spectators of their own wealth,' and with the standards of a German peasant.

Lancaster was the parting point for two streams of westward emigration. One wagon road took a southwesterly direction, crossed the Potomac at Harper's Ferry, and entered the Shenandoah Valley of Virginia,

[1] Theophile Cazenove, *Journal* (Haverford College Studies), p. 72.

between the Blue Ridge and the Appalachians. The Pittsburg wagon road struck out north-westerly, crossed the Susquehanna by ford or ferry at Harrisburg (the future capital of Pennsylvania), and followed the beautiful wooded valley of the Juniata to its headwaters. This region was inhabited mainly by Ulstermen, although in the easternmost section they were rapidly being bought out by the more thrifty and land-hungry Germans. North of it, and west of the upper Susquehanna, Pennsylvania was still a mountainous virgin forest. After a long, painful pull up the rocky, rutty wagon road, to an elevation of some 2,500 feet, you attained the Alleghany front, an escarpment from which, by a rolling, densely wooded plateau, you descended westward to where the Alleghany and Monongahela rivers come together to form the Ohio. At this point you reached Pittsburg, a thriving village in the midst of virgin coal and iron deposits, the most important of three inner gateways to the far west. Already fleets of covered wagons were bringing in settlers destined for Kentucky, and goods to be distributed down the mighty valley of the Ohio and Mississippi.

III

THE SOUTH

1790

1. *Physiographic Sections*

TWENTY-FIVE miles south of Philadelphia the post-road crossed Mason and Dixon's line,[1] an internal boundary that bulks large in American history. Originally drawn to divide Pennsylvania from Delaware and Maryland, in 1790 it was already recognized as the boundary between the farming or commercial, and the plantation States. From 1804 to 1865 it divided the free and the slave States; and even yet it is the boundary of sentiment between North and South.

The South, which we may define as all of the original area of the United States south of Mason and Dixon's Line, and of the Ohio River, is divided into distinct physiographic provinces, roughly parallel to the Appalachians and the sea. All the old Southern States cut obliquely across three or more of these provinces, which differ so in climate, geography, and population, as to divide the States into so many distinct communities. Between the ocean and the mountains are two distinct plateaus: the *coastal plain*, or lowlands, with a sandy soil and (south of the Chesapeake) a pine forest; and the *piedmont*, or upper country, with a somewhat better soil, a deciduous forest, and a more varied surface. The division between them is the *fall line*, a fault in the underlying rocks that produces waterfalls in the

[1] Mason and Dixon's line is the parallel latitude of 30° 43′ 26·3″ between the south-western corner of Pennsylvania and the arc of a circle of twelve miles' radius drawn from Newcastle (Delaware) as a centre; and along that arc to the Delaware river. Most of it was run in 1763 by two English surveyors named Mason and Dixon, in consequence of Lord Hardwicke's decision, in 1750, of a long-standing controversy between the proprietors of Maryland and Pennsylvania.

rivers, establishes the head of navigation, and, eventually, towns or cities.[1] The piedmont ends at the *Blue Ridge*, a long range of even-crested mountains.[2] Between them and the Appalachians is the Great or Shenandoah Valley, a long, broken, and wooded plateau of limestone formation, from which the headwaters of such rivers as the James and Roanoke, Kanawha, Cumberland and Tennessee, break through the Blue Ridge to reach the Atlantic, or through the Appalachians to reach the Ohio. The *Appalachian mountains*,[3] arranged in such parallel folds that a view from one of them suggests immense ocean waves, are the backbone of the eastern United States. Although they seldom reach an elevation exceeding six thousand feet, their steep slopes and often inaccessible ridges confined human migration to the 'gaps' or passes. The coastal plain sweeps around the southern end of the mountains in Alabama, and meets the *Appalachian plateaus* that merge into the *interior lowlands* along the Ohio.

2. *Delaware and Maryland*

Delaware, formerly an autonomous portion of the Penn proprietary, was the least populous State of the Union; and apart from the flour-milling regions about Wilmington, a farming community, steadfastly conservative in politics.

[1] Baltimore and Georgetown (Maryland), Washington (District of Columbia), Richmond, Fredericksburg, and Petersburg (Virginia), Halifax, Raleigh, and Salisbury (North Carolina), Augusta, Macon, and Columbus (Georgia), and Montgomery (Alabama), are on the fall line. In Maryland and Virginia the river valleys are 'drowned' in their lower courses, becoming mere inlets to Chesapeake Bay; consequently the fall line is near the coast, and the coastal plain is called the *tide-water* region.

[2] In Carolina the Blue Ridge widens, and is called the Great Smoky Mountains.

[3] The older term was Alleghanies, which is still used for that part of the Appalachians in Maryland and Pennsylvania. Each important fold of the Appalachians has a different name, such as Cumberland Mountain, Lookout Mountain, Dan's Mountain.

Maryland, with 320,000 souls, one-third of them slaves, was the northernmost State where slavery was an essential part of the economic system. Founded in 1634 by Cecil Calvert, Lord Baltimore, as a refuge for English Roman Catholics, it had become a tobacco-planting colony like Virginia. The Catholic families, although long since outnumbered by English Protestants, still retained some of the better plantations on both shores of Chesapeake Bay; the Carrolls, of Irish origin, provided the first Roman Catholic bishop in the United States. Maryland produced the best wheat flour in America, and a variety of tobacco chiefly appreciated by the French. The lowland planters were famous for hospitality, and for the various and delicious methods devised by their sable cooks for preparing the oysters, soft-shell crabs, terrapin, shad, canvas-back ducks, and other delicacies afforded by Chesapeake Bay. Annapolis, the pleasant and hospitable state capital, had just acquired St. John's College. Later, it was to be saved from decay by the United States Naval Academy.

Baltimore, a mere village before the War of Independence, was approaching Boston in population. Its deep harbour on Chesapeake Bay, water-driven flour mills, and proximity to wheat-growing regions, made it the metropolis for an important section of Pennsylvania, in preference to Philadelphia. Baltimore was also famous for its beautiful women, one of whom married a Bonaparte (but succeeded in retaining him no longer than the beautiful Creole kept Napoleon); and for its swift schooners, the Baltimore clippers that made excellent privateers and successful pirates. The Maryland piedmont was much like the Triassic belt of Pennsylvania: a rolling corn-land tilled by English and German farmers, with the aid of a few slaves. This region, in combination with Baltimore, neutralized the 'tidewater' aristocracy, and gradually drew Maryland into the social and economic orbit of the Northern States.

3. *Virginia*

From Baltimore a road that long remained the despair of travellers traversed Maryland to Georgetown, just below the Great Falls of the Potomac. Here, at the head of navigation, the City of Washington was being planned. Crossing the river, one entered the 'Old Dominion' of Virginia, with a population of 748,000, of which forty per cent were slaves.[1]

Virginia is to-day but a fragment of the imperial domain that was granted to the Virginia Company in 1606; and less than half the size of the State in 1790. Kentucky was lopped off as a separate State of the Union in 1792, and West Virginia in 1863. But even without Kentucky, Virginia was the most populous, proud, and wealthy American commonwealth.

The 'tide-water' or coastal plain of Virginia, east of the fall line which passes through Washington, Richmond, and Petersburg, consists of a series of long narrow peninsulas separated by the navigable estuaries of the Potomac, Rappahanock, York, and James rivers. It was settled by Englishmen in the early seventeenth century. There and then the rhythm of Virginian economic and social life had been fixed: slave-cultivated tobacco plantations, each with a mansion that might have been designed by Wren or Gibbs, and a bit of water-front where ships were loaded for England; Church of England parishes, institutionally a projection of the home land; small counties named after Stuart princes or the home shires, governed by justices and sheriffs, whom the royal governor appointed. There were no towns excepting Norfolk; and scarcely even a village. County seats were merely a court house, church, and tavern at some convenient cross-roads. Tobacco-warehouse receipts, and bills of exchange on your London merchant, who did your shopping in the metropolis, were the

[1] Not including the 74,000 in Kentucky (17 per cent slaves).

currency. 'Even now', wrote John Randolph in 1813, 'the old folks talk of "going home to England".'

By 1790 the tide-water had seen its best days. The state capital had been transferred to Richmond, at the falls of the James; only William and Mary College kept Williamsburg alive. Norfolk was a poor-looking seaport of less than thirty-five hundred people. Forest was reconquering exhausted tobacco fields, the wiser planters were laying down their lands to corn and grass, and the wisest were emigrating to Kentucky. One of the best plantations of the Virginia tidewater, Davies Randolph's 'Presqu'ile' at Bermuda Hundred on the James, was described by the Duc de la Rochefoucauld-Liancourt, in 1795. It contained 750 acres, of which 400 were wood and marsh, and 350 were cultivated by eight negroes, two horses, and four oxen. This area was divided into forty-acre fields by the usual Virginia or worm fence, made of split rails, notched near the ends, and intersected in a zigzag pattern in order to dispense with posts.[1] Improving farmers who attempted hedges were thwarted by the enterprise of the American swine and cattle. Mr. Randolph used manure on but one of his fields. His system of rotation was maize, oats, wheat, rye, fallow: an improvement over the customary one of maize, wheat, and pasture, which the Virginian Varro called a scheme of tillage founded in contempt of the earth and terminating in its murder.[2] With a modest average yield of ten to twelve bushels an acre, Presqu'ile brought its owner from $1,800 to $3,500

[1] 'I am not surprized that our mode of fencing should be disgusting to an European eye,' wrote Washington to an English correspondent in 1797. 'No sort of fencing is more expensive or wasteful of timber. I have been endeavouring for years to substitute live fences for them.' Worm fences were universal in the South then, and are the usual alternative to wire in the South and Middle West to-day.

[2] John Taylor, *Arator* (1813), p. 117. The author lacked words to qualify the older Virginia system, of four or more successive tobacco crops, followed by fallow.

annually; and he valued the plantation at $20,000. The proportion of labour to acreage was so low that the condition of the land compared 'very indifferently with the most ordinary husbandry of Europe'. Apart from the mansion houses, the appearance of Virginia plantations, with their ill-cultivated fields, straggling fences, and dilapidated negroes' cabins, was slovenly in the extreme. A traveller going South from Pennsylvania looked in vain for tidy agriculture until he reached the rice plantations of South Carolina, unless he waited until the nineteenth century, and travelled by the Shenandoah valley.

By 1790 the Virginia piedmont between the fall line and the Blue Ridge, for the most part a fruitful, rolling country, had become the seat of all that was healthy and vigorous in the plantation system. Most of the great Virginia statesmen of the revolutionary and republican eras were either born in this region, to adventurous younger sons of the tide-water families, or, like Washington, grew to manhood in its wilder margins. Socially, Virginia, down to 1865, may be compared with rural England before the industrial era, omitting the villages, and substituting negro slaves for white tenants and labourers. The 'First Families of Virginia', although in few instances related to the county families of England,[1] held the corresponding place in the community. They reproduced the high sense of honour and public spirit of the English aristocracy, and preserved the amenities of English country life. They frequently combined planting with the practice of law, but left trade to their inferiors, com-

[1] Books by recent Virginia historians, such as T. J. Wertenbaker's *Planters of Colonial Virginia*, have exploded the nineteenth-century tradition that the 'F. F. V.'s' were descended from 'Cavaliers'. Except for a few families such as the Randolphs, they came of the same middle-class, petty squire, and yeoman stock as the early settlers of New England; but their social and economic system had bred an aristocratic attitude and mode of life.

merce to the agents of British mercantile firms, and navigation to the Yankees. Well educated by private tutors, or at schools kept by Scots clergymen, and sometimes at Princeton or William and Mary; trained to administration by managing their large estates, and to politics by representing their counties in the Virginia Assembly; the planters stepped naturally and gracefully into the leadership of the nation. It was no accident that Jefferson of Virginia drafted the Declaration of Independence, that Washington of Virginia led the army and became the first President, that Madison of Virginia drafted the Federal Constitution, that Marshall of Virginia became the greatest American jurist, and that he and Taylor of Virginia led the two opposing schools of American political thought.

If the proper object of society be to produce and maintain an aristocracy, Virginia had achieved it. If it be to maintain a high general level of comfort and intelligence, she had not. Below the 'first families', but continually pushing into their level by marriage, was a class of lesser planters, to which Patrick Henry belonged: a class generous and hospitable, but uneducated, provincial, and rude. Below them was an unstable and uneasy class of yeomen, outnumbering the planters in the piedmont. Descended largely from indented servants and deported convicts, these peasants, as the gentry called them, were illiterate, ferocious, and quarrelsome.[1] Self-contained plantations, with slave artisans and mechanics, created no demand for skilled white labour, and made small farms unprofitable. Hence the Virginia yeoman had but the alternative of migrating westward, or of becoming a 'poor white trash'

[1] It was in this class, and the frontiersmen they produced, that the practice of 'rough-and-tumble' fighting, accompanied by biting and gouging, prevailed: a method of fighting prevalent in rural England before Jack Broughton and the 'fancy' established the rules of fair play. It lingered in the American backwoods until after the Civil War.

despised even by the slaves. It was already evident in 1790 that no community could endure half slave and half free ; presently it would be doubtful if the nation could thus endure.

In the lowlands the slaves outnumbered the whites ; in the piedmont they comprised about one-third of the total population. They supported the economic system, and contributed much to the quality of Virginia leadership. Jefferson's oft-quoted passage, that ' the whole commerce between master and slave is a perpetual exercise of the most boisterous passions ',[1] can only have applied to new and inexperienced members of the planter class ; for the successful management of negroes required tact, patience, forbearance, an even temper, and a sense of humour.

The planters had entrenched themselves in power by a relatively high property qualification, and a system of representation founded on that of the English counties. A tide-water county such as Middlesex, containing fifteen hundred freemen and twenty-five hundred slaves, had as much weight as the valley county of Frederick, with fifteen thousand freemen and four thousand slaves. Yet the ruling class, so strongly tinctured with ideal republicanism that the first bishop of Virginia always referred to the Kingdom of Heaven as that Great Republic where there was no distinction of rank, and where all men were equal, carried a series of radical reforms through the legislature. Entails and primogeniture were abolished, and the Church disestablished. At William and Mary the endowment for theology was diverted to chairs of ' natural philosophy ' and ' the law of nature and of nations '. Jefferson, who led this movement, failed to obtain two much more important reforms on which he had set his heart : a system of free common schools, and negro emancipation. No one denied that slavery was a moral evil and a menace to

[1] *Notes on Virginia*, query xviii.

the country. Almost every educated Virginian hoped to make real the opening words of his Bill of Rights 'that all men are by nature free and independent'. As the French traveller, Chastellux, wrote, 'They are constantly talking of abolishing slavery, and of contriving some other means of cultivating their estates.' There was the rub: no other means existed. A State whose population was forty per cent black may well have quailed before such a social revolution.[1] Jefferson, so he wrote Richard Price, counted on the ardent young abolitionists that his old teacher, Chancellor Wythe, was making in William and Mary College. But in a few years' time the cotton gin gave chattel slavery a new lease of life; and, shortly after Jefferson died, a young professor of William and Mary began to preach the doctrine that negro slavery was justified by history and ordained by God.

As one rode westward across the Virginia piedmont, with the crest-line of the Blue Ridge looming in the distance, the forest became more dense, the large plantations less numerous, the farms of independent yeomen more frequent, and the cultivation of tobacco gave place to corn and grazing. Between the Blue Ridge and the higher folds of the Appalachians lies that part of the Great Valley known as the Shenandoah, or the Valley of Virginia. The rude wagon road along this valley was the principal route of migration from Pennsylvania to the piedmont of the Carolinas, and to Kentucky and Tennessee. In the valley counties only nine per cent of the population were black; and the whites, wheat farmers like their Pennsylvania kinsmen, had little in common with piedmont or lowlands.[2] It was

[1] Furthermore, the emancipated negroes in the Northern States had not made good use of their freedom. Their reputation for improvidence and crime may not have been deserved, but it was reflected in laws such as that of Massachusetts, forbidding coloured freemen from entering the State, under pain of whipping and deportation.

[2] The difference in point of view on slavery, religion, and other

here, in Rockingham county, that Abraham Lincoln, grandfather of the President, lived until 1784; and at Staunton, in Augusta county, Woodrow Wilson was born in 1856. Still less did the trans-Appalachian part of Virginia, a densely wooded plateau sloping to the upper Ohio, resemble the Virginia of the planters. In 1790 it was a frontier more primitive even than Kentucky. In 1861 it refused to follow the Old Dominion out of the Union, and became the State of West Virginia.

4. *The Carolinas and Georgia*

South from Petersburg in Virginia, through a level, sandy country of pine forest, a two days' journey reached Halifax, one of several petty seaports of North Carolina. This 'tar-heel state' possessed a very different character from its neighbours on either side. Its population was the result of two distinct streams of secondary and fairly recent colonization: Virginia yeomen who settled in the coastal plain; outpourings from the Appalachian Valley into the piedmont and the Great Smoky mountains. Along the Roanoke river there was an overflow of plantations from Virginia; but the greater part of the coastal plain, a hundred miles or more wide, consisted of pine barrens with soil too sandy for wheat or tobacco, and extensive marshes like the Dismal Swamp. The river mouths were landlocked against vessels drawing above ten feet, by the barrier beaches that enclosed Pamlico and Albemarle Sounds. This region, therefore, was sparsely settled, and its chief exports were naval stores: tar, turpentine, and pine timber. Washington, travelling through it in 1790, found it 'the most barren country he ever beheld', without 'a single house of an elegant appearance'.

The piedmont of North Carolina was a thriving region of upland farms, supporting a large population

matters appears in the speech of Zachariah Johnson in the Virginia Convention of 1787. Morison, *S. & D.*, p. 357.

of Germans, Ulstermen, English, and Highland Scots. There was little communication between coast and piedmont through the pine barrens, and less sympathy. Petersburg (Virginia) and Charleston (South Carolina) were nearer markets for the upland farmers than the petty ports of their own State. In 1774 there had even been a brief civil war between the two sections. The coastal aristocracy, small in numbers and undistinguished in family, had been overthrown in 1776; 'Every one who has the least pretension to be a gentleman', wrote a member of it, 'is suspected and borne down *per ignobile vulgus*, a set of men without reading, experience, or principle to govern them.' Local particularism was so strong that the legislature abandoned Governor Tryon's 'palace' at Newbern, and became peripatetic. Only by creating a new state capital, at Raleigh on the falls of the Neuse river, was it enabled to settle. The influence of Willie Jones, a North Carolinian of Etonian education and democratic theories, had prevented the State from ratifying the Federal Constitution until November 1789. But North Carolina could hardly stay out of the Union, when South Carolina and Virginia were in.[1]

The plantation system never obtained a strong foothold in North Carolina; the State remained a farming democracy, aided by rather than based upon chattel slavery. Among its white population of three hundred thousand in 1790, less than one-third owned slaves; and the proportion was less in 1860.[2] For such a community a democratic polity was natural and inevitable; but

[1] In 1861 North Carolina followed them out again in the same order.

[2] With a total population of 400,000 in 1790 (one-quarter slave), North Carolina was the fourth State in the Union, just ahead of New York. But North Carolina's interior had already been settled, and New York's had not. New York reached the million mark in 1810; North Carolina only in 1870; in 1920 North Carolina had two and a half millions to New York's ten; and its largest city fell short of fifty thousand.

without the leaven of popular education, a landlocked region was not apt to make much progress. Only by leaving the State did such North Carolinians as Walter H. Page rise above the level of honest mediocrity that has characterized North Carolina statesmanship from the eighteenth century to the twentieth.

There was no such dearth of great figures, however, in South Carolina. A State that produced such revolutionary leaders as Christopher Gadsden, Ralph Izard, and Henry Laurens; such federal statesmen as the Pinckneys and Rutledges; and, in a later generation, John C. Calhoun, is not to be classed with her northern sister.

The coastal plain of South Carolina has a sub-tropical climate. Charleston, its only city, was founded in the late seventeenth century by West India planters, seeking relief from crowded Barbados and St. Kitts. The revocation of the Edict of Nantes brought a group of Huguenot merchants, who supplied a business acumen that was much wanted. 'Commerce is of noble origin in South Carolina,' quaintly remarks her first historian. From Ireland came other noble planters, who established the tradition of Carolinian hot-headedness. Charleston became the gayest and most delightful city in the Thirteen Colonies, with a theatre, jockey club, and race week. After the war the old life there was resumed; and in 1790, with a population of sixteen thousand, Charleston was the fourth city in America, and metropolis of the lower South.[1] The more opulent families continued after 1790 to send their sons to Eton, Westminster, and Oxford; or to read law at the Temple. The Rev. Jedediah Morse in his *American Geography* (1789) wrote, 'In no part of America are the social blessings enjoyed more rationally and liber-

[1] In 1920 Charleston had only 68,000 inhabitants, but more distinction and flavour than any one of the hundred American cities that exceeded it in size.

ally than in Charleston. Unaffected hospitality, affability, ease in manners and address, and a disposition to make their guests welcome, easy and pleased with themselves, are characteristics of the respectable people of Charleston.' One can well imagine that stiff Boston Calvinist succumbing to the graceful attentions of a Charleston family, and absorbing mint juleps on a spacious verandah overlooking a tropical garden.

The South Carolina planters went to their country houses in November, when the first frosts removed the danger of fever; and took their families back to Charleston for the gay season from January to March. Early spring, a most anxious period in rice culture, was passed in the plantation mansion—shaded by a classic portico, and surrounded by groves of live oaks, hung with Spanish moss. The hot months would be spent at a summer house in the pine hills, or at Newport, Rhode Island.

Rice, the economic basis of the lower country, required intensive cultivation, along such parts of the tidal rivers as permitted artificial flooding with fresh water. These regions were so unhealthy for white people that black labour, immune from malaria, was a necessity; and in no part of the United States were slaves so numerous. Out of sixteen hundred heads of families in the rural part of the Charleston district, in 1790, thirteen hundred held slaves to the number of forty-three thousand. South Carolina not only prevented an unconditional abolition of the African slave trade in the Federal Constitution, but traffic was reopened by State law in 1803.

Indigo culture had been abandoned with the loss of the Parliamentary bounty; but the South Carolina planters, in 1790, were experimenting with long-staple sea-island cotton;[1] and the next year Robert Owen

[1] So called from the fringe of sandy islands along the coast where it was grown.

spun into yarn the first two bags of it that were sent to England. The short-staple upland cotton, which could be grown inland, was so difficult to separate from its seed as to be unmarketable.

As in Virginia, it was the lowlands that gave South Carolina its distinctive stamp; but there also the piedmont was the more populous section. In 1790 the upland people had just tested their strength by transferring the state capital up-country, to Columbia; but the piedmont was still under-represented in the legislature, and poor men were denied office by high property qualifications. The plantation system, extending inland after the cotton gin was invented in 1793, served to bring the two sections together. John C. Calhoun, who was destined to weld the South and divide the Union, was a boy of eight in the upper country, in 1790.

Across the Savannah river from South Carolina lay Georgia, which retained few traces of General Oglethorpe's pious experiment. The objects of his benevolence, poor debtors and Scots highlanders, wedged between hostile Indians on one side and a plantation colony on the other, had led a miserable existence. As soon as the prohibition of rum, slaves, and large holdings was removed, Georgia developed as had South Carolina, a slave-holding rice coast, a belt of infertile pine barrens, and a rolling, wooded piedmont of hunters and frontier farmers, who were a mixture of the usual Southern upland stock with Oglethorpe's importations from English gaols. Vigorous and lawless, hard drinkers, and dirty fighters, eager to despoil the Creek Indians of their fertile cornfields across the Oconee river, these Georgia 'crackers'[1] gave constant trouble to the Federal Government.

[1] This term—an abbreviation of 'corn-crackers' (maize eaters)—was applied to the Georgia frontiersmen as early as 1760.

5. *'The hope of the human race'*

Such, in their broader outlines, were the Thirteen States, and the people thereof, on the morrow of independence. They were a singularly fortunate and happy people. Political independence had been won without losing liberty. In the midst of war and confusion, State governments had been constructed on the colonial pattern, by principles relatively democratic. The Americans had rid themselves of all irresponsible and hereditary elements in government. Their lands were not burdened with feudal dues or tithes; no craft gilds or monopolies checked individual energy or hampered the accumulation of capital. On the other hand, Americans had approached a 'state of nature' so closely that it was difficult for their own representatives to govern them. As Jedediah Morse wrote in 1789.

'Their education, laws and situation, serve to inspire them with high notions of liberty. Their jealousy is awakened at the first motion towards an invasion of their rights. They are indeed often jealous to excess; a circumstance which is a fruitful source of imaginary grievances, and of innumerable groundless suspicions and unjust complaints against government. But . . . jealousy is the guardian of liberty, and a characteristic of free republicans.'[1]

As Burke had said, the Americans were accustomed 'to snuff the approach of tyranny in every tainted breeze'. When the east wind ceased to blow, they discovered the same deadly odour in their own westerlies. One might safely entrust a quantum of power to one's State government, where the legislators were friends or neighbours; provided elections were fre-

[1] *American Geography* (1789), p. 145. A good instance of this unreasonable jealousy was aroused by the Society of the Cincinnati, formed by officers of the War of Independence, because they proposed to make membership hereditary.

quent and the scope of government limited by a Bill of Rights. It was quite another matter to entrust power to an American government, in which the interests of one's community might be overruled by representatives of States a thousand miles distant. Virginia had not fought for the privilege of being ruled by Yankee puritans, Pennsylvania Dutchmen, and Georgia crackers. The Continental Congress wielded considerable authority during the war, simply as supreme war council of thirteen allies. Accordingly the first formal Confederation, ratified by the Thirteen States in 1781, was described as a 'firm league of friendship'. Each State retained its 'sovereignty, freedom and independence'. A Congress, continuous with the Continental Congress, was the sole organ of the Confederation, and was granted only such powers as King and Parliament had exercised in the Colonies without question.[1] Congress possessed no power of taxation to pay the war debt, or current expenses; it could only make requisitions upon the States, as Parliament had done upon the Colonies during the wars with France. Of the many political experiments attempted in America, these Articles of Conferation showed the least imagination, and had the slightest success.

The basic conception of this inchoate federal union: 'government, even in its best state, is but a necessary evil,'[2] like many ideas of the germinal American, can be traced back to the mother country. In England these ideas persisted through the centuries despite a certain twisting and thwarting at the hands of Tudor monarchs and Whig aristocrats; in America they found opportunity for free development. Thus we shall find stout old English prejudices embalmed in the American

[1] Briefly: war, foreign and Indian relations, the control of federal territory, the post office, and the adjudication of interstate controversies. Text in Morison, *S. & D.*, p. 178.

[2] Thomas Paine, *Common Sense* (1776).

Bills of Rights, and institutions long obsolete in England, such as the Assize at Arms, lasting with little change in the American States until the middle of the nineteenth century.[1] It was an unconscious mission of the United States to make explicit what had long been implicit in the British Constitution,[2] and to prove the value of principles that had largely been forgotten in the England of George III.

Of such a people, so circumstanced, the friends of liberty in Europe had high expectations.

'This people', wrote Turgot in his famous letter of 1778 to Dr. Price,[3] 'is the hope of the human race. It may become the model. It ought to show the world by facts, that men can be free and yet peaceful, and may dispense with the chains in which tyrants and knaves of every colour have presumed to bind them, under pretext of the public good. The Americans should be an example of political, religious, commercial and industrial liberty. The asylum they offer to the oppressed of every nation, the avenue of escape they open, will compel governments to be just and enlightened; and the rest of the world in due time will see through the empty illusions in which policy is conceived. But to obtain these ends for us, America must secure them to herself; and must not become, as so many of your ministerial writers have predicted, a mass of divided powers, contending for territory and trade, cementing the slavery of peoples by their own blood.'

[1] Every white freeman was enrolled in the militia of his State and required to supply his own gun and equipment. Militia commanders —appropriately called major-generals in New England and county-lieutenants in the South—were appointed by State governors; company and sometimes regimental officers elected by the men. At stated intervals the militia turned out for a clownish 'muster' or drill, which profited the publicans more than the State; but it was all the military training that could be required of a people who remembered what could be done with a standing army, and who disliked military service, except for local defence.

[2] Professor A. F. Pollard gave me this suggestion in his Oxford lecture of 1924—printed in his *Factors in American History* (1925).

[3] Richard Price, *Observations on the Importance of the American Revolution* (London, 1785), pp. 102, 123.

Dr. Price printed Turgot's letter in 1785, together with some hundred pages of his own advice to the young republic. Slavery must be abolished. America must adopt a system of education that will 'teach *how* to think, rather than *what* to think, or to lead into the best way of searching for truth, rather than to instruct in truth itself'. The American States should foster an equal distribution of property; and to this end they must renounce foreign trade, as well as foreign alliances.

'The Atlantic must be crossed before they can be attacked. . . . Thus singularly happy, why should they seek connexions with Europe, and expose themselves to the danger of being involved in its quarrels?—What have they to do with its politics?—Is there anything very important to them which they can draw from thence—except *infection*?—Indeed, I tremble when I think of that rage for trade which is likely to prevail among them.'

Here is the policy of isolation, laid down in terms that America found too Spartan; and something more than a suggestion of the political system later known as Jeffersonian Democracy. But there was one dominant force in American history that no one foresaw in 1785; the expansive force. With such a prize as the American continent at their back doors, the people of the United States would have been more than human had they been content with a 'state of nature' between the Atlantic and the Appalachians. For a century to come, the subduing of the temperate regions of their continent to the purposes of civilized life was to be the main business of the English-speaking race in America. In 1790 the boundaries of the United States included eight hundred thousand; in 1860 three million square miles. In 1790 the population was four millions; in 1920 one hundred and five million. This folk movement, comparable only with the barbaric invasions of Europe, gives the history of the United States a different quality from that of modern Europe; different even from that of Canada and Australia, by

reason of the complete absence of exterior control. The advancing frontier set the rhythm of their society, coloured their politics, and rendered more difficult, both in Canada and the United States, the problem of union. Yet, as Turgot warned them, only union could secure the gain and fulfil the promise of the American Revolution.

Thomas Bland Hollis, another English radical who looked to the rising star in the West, wrote to the President of Harvard College in 1788: 'Our papers mention that there is an intention of having the Olympic games revived in America. All her friends wish it and say she is capable of it: having acted upon Greek principles you should have Greek exercises.' Her friends saw no reason why literature and the arts should not spring into new life in a new world, fostered by liberty. One of them, ten years later, recorded with his disappointment the popular excuse: 'We are but a young people—let us grow.' [1] How often has that excuse been repeated, and how constantly has it been true! Grow they did; but not as Rome, neither as Greece. Their astounding expansion was a continuous adventure in pioneering, a constant renewal of the nation's youth through fresh contact with a receding frontier. The American of to-day, with all his wealth, pride, and power, is still unmistakably young, inexperienced, creative in energy but not in thought.

'Trite and rigid bits of morality and religion, with much seemly and antique political lore, remain axiomatic in him, as in the mind of a child . . . he is chiefly occupied with his immediate environment and . . . his reactions upon it are inwardly prompted, spontaneous, and full of vivacity and self-trust. His views are not yet lengthened; his will is not yet broken or transformed.' [2]

[1] Volney, *Climate and Soil of the United States* (London, 1804), p. xiv.

[2] George Santayana, *Character and Opinion in the United States* (1920), pp. 179–80.

The frontier has vanished with the wild Indian, and America's youth is waning fast; but it is the story of a youthful people that we are to read; of a people constantly in movement, expanding and upheaving, blithely accepting new forces that were to strain their body politic, and seeking to assimilate them to the democratic principle.

IV

THE BEGINNING OF FOREIGN RELATIONS

1782–88

1. *Permanent American Aspirations*

THE average American of the eighteenth century, as of the twentieth, disliked foreign relations; but his conception of liberty had so many points of contact with the rights and interests of other nations, that questions of foreign policy persisted in troubling him. He desired political isolation: the liberty to remain aloof from the 'broils of Europe', or to enter them upon his own terms, for his own objects. He believed he had a 'natural right' to exchange his products on equal terms with those of the outer world and freely to use the ocean, and all navigable rivers. He wished liberty to expand westward, up to the Mississippi at least; and to handle the redskins without interference from his British and Spanish neighbours.

Isolation, free trade, and westward expansion were American aspirations as old as the Thirteen Colonies, but frustrated by the colonial status. Unless independence could achieve them, independence was a delusion. American foreign policy, from the seventeenth century onward, has been the median of vertical and horizontal forces: repulsion from European politics, attraction for European principles. Geography accentuates the one; cultural unity keeps the other alive. During the Great Rebellion the English settlers of Virginia and New England had been torn between a desire to keep their colonies neutral and sympathy for royalist or roundhead. Dutch William drew the colonies into his dynastic struggles. In 1763, with France driven from North America, and Spain at a respectful distance, the old dream of isolation returned;

and Tom Paine, in his *Common Sense* (1776), urged independence as the only means of realization.[1] It was idle for European philosophers to warn the Americans that they could only attain political isolation by commercial isolation; that, like China, they must renounce foreign trade in order to preserve their virtue. What would become of the Southern States, without a market for their tobacco, naval stores, and rice; or of the Northern States, without a market for their corn, fish, and timber, or employment for their shipping? The western settlements, if they could not secure an outlet for their peltry by the Mississippi or the St. Lawrence through the efforts of the Federal Government, were certain to turn to some other power. The United States might be independent politically of the British Empire; but for a generation to come they would encounter the ships and soldiers of that empire on the high seas, in the mouths of their harbours, and at the gateways to the Great West.

America emerged from the War of Independence entangled by an alliance with France—the only treaty of alliance the United States has ever ratified. Isolation was not likely to be achieved until that alliance ended; and until the two gates that closed westward advance—Britain's along the Ohio, and Spain's along the Mississippi—swung open on their hinges at Montreal and New Orleans. Not until then could America pretend 'to dictate the terms of the connexion between the old and the new world', as Hamilton predicted in *The Federalist* (1788). Until then the United States must balance France against Britain in the old world, and Spain against Britain in the new.

[1] 'Dependence on Great Britain tends directly to involve this continent in European wars and quarrels. . . . As Europe is our market for trade, we ought to form no partial connection with any part of it. It is the true interest of America to steer clear of European contentions,' p. 19.

During the war American foreign policy had been kept in French leading strings through American necessities. Vergennes, the foreign minister of Louis XVI, had been a generous master; yet some of the revolutionary leaders chafed under his kindly yoke. Among them was John Adams, who had never approved the treaty of alliance, which, he remarked as early as 1775, would 'entangle us in any future wars in Europe; . . . we ought to lay it down as a first principle, and maxim never to be forgotten, to maintain an entire neutrality in all future European wars'. Adams, moreover, had those John Bull qualities to which the French character and temperament are antipathetic. John Jay, another leader who disliked the French connexion, may be counted among the enemies that Louis XIV made for France by revoking the Edict of Nantes; for Jay was of Huguenot ancestry. In the peace negotiation of 1782 Adams's and Jay's distrust of France deepened into a conviction that she was using American territory as a pawn in French diplomacy. Overruling their colleague Franklin, who perceived beneath suspicious appearances the honesty and disinterestedness of Vergennes, Adams and Jay broke their instructions and concluded a separate preliminary treaty with Great Britain.

Détente with France and entente with England, up to the point where the two balanced one another, became the policy of Jay and Adams. To meet them, something more than a grudging recognition of American independence by the British Government was required. Adams declared to the English peace commissioner Oswald that

'The alpha and omega of British policy towards America was summed up in this one maxim: Favour and promote the interest, reputation, and dignity of the United States in every thing that is consistent with your own. If you pursue the plan of cramping, clipping, and weakening America, on the sup-

position that she will be a rival to you, you will make her really so; you will make her the natural and perpetual ally of your natural and perpetual enemies.'[1]

In evidence that England could be wise after defeat, as so often she had been magnanimous in victory, Adams proposed an Anglo-American commercial treaty on the principle of most-favoured nation.

Lord Shelburne, the minister responsible for the treaty of peace, needed no such advice. Alone of English statesmen of his generation he had the imagination to foresee American expansion, and the wisdom to base British policy on what America might be rather than on what she was; to deal with the stripling as the man he would shortly become. At his suggestion on 3 March 1783 William Pitt introduced a bill restoring to the ships and products of the United States practically the same privileges they had formerly enjoyed within the British Empire. West India planters, and London merchants with trading connexions with the Thirteen Colonies,[2] warmly approved the bill: British shipowners vigorously attacked it, and the House amended it out of all conformity with Shelburne's wishes. Within a month his ministry was succeeded by the coalition that united Fox and North.

In the meantime John Baker Holroyd, Lord Sheffield, had brought out his *Observations on the Commerce of the American States*. Sheffield argued that England could now absorb the commerce of America, without the expense of governing her, and without concessions to the American interests. British goods, by their intrinsic excellence and cheapness, were certain to reconquer the American market; and only British merchants were able to give the long credit that American purchasers required. One might as well talk of permitting the export of wool from England,

[1] John Adams, *Works*, iii. 344–5.

[2] Their memorial is printed in *Amer. Hist. Rev.*, xviii. 769.

as of admitting American ships to the British West Indies.

'Our great national object is to raise as many sailors and as much shipping as possible. Parliament should endeavour to divert the whole Anglo-American trade to British bottoms. America cannot retaliate. It will not be an easy matter to bring the American States to act as a nation. They are not to be feared as such by us. . . . We might as reasonably dread the effects of combinations among the German as among the American States.'

He concluded with the tempting suggestion that the United States were breaking up; that New England, if made to feel the rod of British maritime power, might return to her old allegiance.

2. *British Policy after the War*

Sheffield's policy prevailed. Pitt's bill was lost; the commercial negotiation with the American diplomatists at Paris dragged along for a year, until the Foreign Office cut it short. By a series of Orders in Council of 1783[1] American vessels were excluded absolutely from Canada and the West Indies. In British ports they were placed on the same footing as the ships of any European country, in carrying the produce of other European countries. As a sop to the London merchants, who wished to recover their forwarding traffic, American tobacco, timber, and other raw materials were admitted to British ports in American or British bottoms, practically on a colonial footing; provided they came directly from America.

This privilege was a great concession: no European country enjoyed as much from Great Britain. It was not, however, secured by a commercial treaty, but revocable at pleasure. And, for all its apparent liberality, the Order in Council of 1783 was carefully designed for 'strangling in the birth' American shipping, as the

[1] Summarized in *Acts of Privy Council, Colonial* (1766–83), v. 527–30.

loyalist author of it boasted.[1] It might well have done so, if the American States had not formed an effective combination somewhat more promptly than those of Germany.

The immediate success of this policy established Sheffield's reputation, and discredited the free traders; although it was the free-trade element in it—the free admission of American materials—that made it successful. The French Government maintained an expensive consular service in the United States; but the French exporters, foolishly trusting that American gratitude would accept short credits and overlook spoiled goods, lost a large part of the market they had captured during the war. Americans refused to substitute bad claret for sound Madeira, to please their ally. By 1789 the Lords of Trade could boast that British exports to the United States had recovered pre-war dimensions; and that their excess over imports from America was even greater than in 1772. Anglo-American trade was so largely triangular that the exclusion of American vessels from the West Indies, and from all but a direct trade in American products with England, threw the traffic into British bottoms.[2] The Confederation of 1781–9 had no jurisdiction over commerce, and all efforts of the States to retaliate separately were completely futile. If Massachusetts closed her ports to British ships, British goods came overland from New Hampshire and Rhode Island; Connecticut and New Jersey similarly poached trade from New York City.

America had no right to expect colonial privileges after she had repudiated the colonial status; but the fact that other nations granted them made the British

[1] William Knox, in *Hist. MSS. Comm. Rep., Various Col.*, vi. 199.

[2] *Collection of Interesting and Important Papers* (1807). Phineas Bond, the consul at Philadelphia, reported in 1789 that only 31 topsail vessels were on the stocks that year, as compared with 182 in 1772.

refusal seem invidious. France opened her West Indian ports to American shipping and to most American products, and admitted American-built vessels to French registry. Havana and Santiago de Cuba were opened about the same time; and the Dutch were completely hospitable. If American friendship were worth winning, and possible to win, the experiment of Pitt's bill was worth trying.

Popular sentiment in the United States was naturally anti-British in 1783. A seven years' civil war on one's own soil is not quickly forgotten, even by the victors. But the majority of American leaders desired a rapprochement with the mother country. This attitude was reflected in the American press, which exhibited so notoriously ungrateful a spirit towards France that Marie Antoinette refused to receive a French minister departing for the United States on the ground that 'she had nothing to say to a people where the names of the King and Queen appeared to be detested'.[1] Congress, in 1783, notably refused to accept anti-British commitments. There was a question of the United States joining the League of Armed Neutrality, formed in 1780 on principles hostile to British practices of naval warfare. Those principles had been accepted by the United States in its treaty with France; and it was not until 1917 that the United States ceased to advocate them. But on 21 May 1783 Congress resolved, on the motion of Hamilton, that 'they are unwilling at this juncture to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe'.[2]

John Jay returned from Paris to become a strongly

[1] B. Fay, *L'Esprit Révolutionnaire*, p. 118. Cf. Capt. Wm. Armstrong's report to Guy Carleton, *Hist. MSS. Comm. Reports, Am. MSS. Royal Inst.*, iv. 1–7.

[2] Hamilton, *Works* (1851 ed.), ii. 248.

pro-British Secretary of Foreign Affairs to the Confederation; and John Adams was appointed first American minister to the Court of St. James's. At his official reception he spoke from the heart in saying, 'I hope I may be instrumental in restoring "the old good nature and the old good humour" between people who though separated by an ocean, and under different governments, have the same language, a similar religion, and kindred blood'. The King, apparently much effected, replied in the same spirit. Later, he playfully alluded to Adams's reported lack of attachment to the French Court. John Adams did not let that pass without comment: 'I must avow Your Majesty that I have no attachment to any but my own country'; to which the King tactfully replied 'An honest man will have no other'. Yet, in spite of this good beginning, the Foreign Office snubbed Adams persistently. The draft of his proposed commercial treaty demanded too much, it is true; but the treaty was not even made the basis of negotiation. Adams was indeed told that England might make a treaty with each of the Thirteen States, since the Confederation had no authority. This was a mere pretence.[1] The Foreign Office maintained the same attitude after 1789, when the Federal Constitution had removed the excuse; and only changed when the Federal Government showed its power of retaliation against British shipping.

From the point of view of Anglo-American friendship, the Sheffield policy was shortsighted, almost disastrous. It gave the anti-British feeling in America a new lease, at the very moment when it was running

[1] Mr. F. S. Oliver, in his *Alexander Hamilton* (1906 ed.), p. 134, says, 'No country would conclude a bargain with Congress, for the reason that the thirteen states could be relied upon to repudiate all parts of the arrangement which conferred an advantage upon the other contracting party.' Actually the Netherlands (1782), Sweden (1783), Prussia (1785), and France (1788) concluded commercial treaties with Congress; and Spain (1786) a treaty that Congress refused to ratify.

out. Presently, Anglophobia would have the sanction of tradition. A British imperialist might conclude that the gain more than counterbalanced the loss;[1] an American nationalist would certainly agree. Sheffield's taunts stung American pride. Exclusion from the West Indies sent American merchants in search of other markets; and the futile efforts of the States to retaliate separately showed that a stronger federal union was necessary. It is time that Lord Sheffield should be accorded his due as a prime mover of the Federal Constitution.

John Adams left London in 1788 a disappointed diplomatist, and a convert to retaliation. 'There was no cordiality anywhere excepting among the dissenters,' writes his grandson Charles Francis Adams, himself a minister to Great Britain in troublous times. 'Of civility, cold and formal, such as only the English know how in perfection to make offensive, there was enough. No marked offence; but supercilious indifference.'[2]

Indifference rather than hostile intent explains the failure of the Pitt Cabinet to appoint a minister to the United States before 1791, although it was frequently pressed to do so.[3] Until that date England was represented

[1] The only gain was a temporary one to British shipping and the Irish provision trade, for Canada was quite unable to supply the British West Indies. Eventually, in 1830, the principle of Pitt's bill was adopted.

[2] *Works of John Adams*, i. 425. The exception Mr. Adams makes of the dissenters is noteworthy. The English dissenters have always looked with a most friendly eye on the United States, as the land of disestablishment and complete religious liberty. They have emigrated to the United States, probably in much greater proportion than members of the Established Church, and their constant exchanges of pulpits with American ministers have been a most important bond between the two countries. Even to-day their relations with similar denominations in the United States are much more close and cordial than those of the Church of England with the Episcopal Church of America.

[3] For instances of similar Foreign Office indifference towards European countries at this time, see *Camb. Hist. Br. For. Pol.*, i. 158.

in America only by her consuls, of whom the most important were American Tories who hated the republic, desired its downfall, and contributed in many ways to exacerbate relations. How unfortunate this attitude was, we may gather from the journal of a wise French *émigré*, Moreau de Saint-Méry:

'Americans . . . in spite of their affected hatred for the English, love them—but fear them. In spite of their pride, they have a vague feeling of inferiority to the English, and treat them with adulation. They are true Englishmen in tastes, habits, and customs. If England had favoured this leaning by sending as ambassador a man of name, rich and sumptuous, entertaining and flattering the American people, her conquest would have been assured. Instead, she has shown in her conduct ever since the peace of 1783 a marked disdain for the United States. She proved it in the choice of her first representative, Mr. Temple.'[1]

That 'vague feeling of inferiority' remained one of the basic factors in Anglo-American relations for many years. Long outgrown by the bulk of the nation, certain groups still retain strong traces of it. Mr. Roosevelt once remarked that no American, save himself, was free from hereditary bias towards England. That this should be so is puzzling to Englishmen—perhaps their own attitude towards Rome may illustrate it. The Church of England has come out from Rome much as the United States separated from the British Empire. In both cases the old association continues to exercise attraction or repulsion. Few members of the Church of England can regard Rome with the same detachment as they do the Orthodox Church, or Islam. Similarly, some Americans worship their English ancestors; others are deeply and unreasonably suspicious of British policy.

Both countries speak the same language and profess

[1] *Voyage aux États-Unis*, p. 288. Sir John Temple, the consul-general at New York, was a Bostonian who had been in the royal customs service before the Revolution. He managed to pass in America during the war as a patriot, in England as a loyalist.

the same moral principles ; hence each exacts from the other a higher standard in conduct than of other nations. For fifteen years after the War of Independence Spain pursued much the same policy towards the United States as did Britain, with less scruple, and with more harmful results. Yet it met with much less resentment, for 'What would you expect of Spain?' During the American Civil War Napoleon III was a more active and dangerous enemy to the Union than any English statesman ; yet Franco-American friendship was hardly disturbed, whilst British sympathy with secession was bitterly resented. During the Great War England viewed American neutrality in quite a different light from Spanish neutrality, because it seemed a sort of treachery to principles which the United States was supposed to profess, and on which England was presumably acting. Although the very existence of this attitude proves mutual esteem, it leads to the same readiness in recrimination that is often found within the most devoted families.

V

LOYALISTS AND THE WESTERN PROBLEM

1782–89

1. *American Treatment of the Loyalists*

THE Treaty of Paris gave England and America plenty to quarrel about besides commerce, shipping, and manners. Controversies over the treatment of loyalists, the non-payment of American debts to British subjects, and the presence of British garrisons on United States soil, kept the two countries at loggerheads until 1796. Boundary disputes, certain to arise from the loose wording of the treaty, were fortunately postponed to a later generation.

The United States have been unjustly censured for not performing more than they promised to the loyalists in the peace treaty. Franklin, Adams, and Jay refused to accept the principle of restitution, as too magnanimous for enforcement. On the earnest plea of the British peace commission for something to placate Parliament, they consented to incorporate in the preliminary treaty [1] a pious wish: 'It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States' to restore the confiscated estates, rights, and properties of loyalists. Congress on 14 January 1783 duly made the recommendation. A few States complied, to a greater extent than any one expected.[2] Lord Shelburne even admitted in the House of Lords that the treaty submitted the loyalists' property to their enemies' discretion; and upon that admission his ministry fell.

[1] Article 8, identical in the definitive treaty of 1783.

[2] See instances mentioned in Jefferson's note of 5 March 1792 (in all editions of his collected writings), and Ryerson's *Loyalists of America*, ii. 140. Pennsylvania paid the Penn family £130,000 in compensation for their proprietary rights, between 1785 and 1791, and never confiscated their private property or rents.

There were two mandatory provisions in the treaty which the United States failed properly to execute. It was agreed that loyalists should be free to reside twelve months in any part of the United States, in order to endeavour to recover their property. Many loyalists managed to recover their property, by assigning it to some patriot friend or kinsman, whose exertions and whose honour seldom failed them in this period of blasted hope; but Tory rangers or partisans who returned to the districts they had ravaged were fortunate to get off with a term in gaol. More often they were given a coat of tar and feathers and escorted out by a mob. The second mandatory provision, 'that there shall be no future confiscations made,' nor fresh prosecutions commenced against loyalists, was generally obeyed. New York passed an unjust law, encouraging owners of property formerly within the British lines to recover damages against loyalist occupants through actions of trespass. But Alexander Hamilton successfully defended the first loyalist so prosecuted, and obtained a judgement from the Supreme Court of New York, nullifying the statute on the ground of its conflict with the treaty. South Carolina authorized fresh confiscations in 1783, but rescinded them in 1786. Other States passed laws having reference to the disposition of estates legally confiscated during the war, taking the ground that the treaty had no retroactive effect; a construction vigorously maintained by the British Government in respect of a different article which forbade British commanders to deport negro slaves.[1]

[1] 'His Britannic Majesty shall, with all convenient speed, and without . . . carrying away any negroes or other property of the American inhabitants, withdraw all his armies . . . from the said United States, and from every port, place and harbour within the same.' Several thousand negroes were carried away with the garrisons from New York and elsewhere; but as these had been promised and granted their freedom upon coming within the British lines, the Government contended that they were no longer 'property' at the time of evacuation. Ob-

America often had law on her side in her treatment of loyalists; but few will contend that she had justice. In extenuation one may observe that American Tories were less harshly treated than royalists in the French Revolution, or than bourgeois and unionists in more recent upheavals. It was too much to expect of human nature that the Americans should forgive a class of people who, with all their acknowledged merits, had contributed greatly both to the ferocity of the war and to its prolongation. And, after all, the sixty to eighty thousand loyalists who were driven from the United States during the war, and left it voluntarily afterwards, were but a minority of the loyalist party.[1] After 1776 Tories who paid their taxes, refrained from hostile action, and kept their mouths closed, were in most

viously such a construction nullified the clause; but as men of honour the British commanders could have done nothing else than deport the blacks, and leave their Government to settle with their former owners —which it never did.

[1] Very few loyalists were 'driven' out at the close of the war, except persons already proscribed who attempted to return, or persons who had lived within the British lines and had persecuted Whigs during the war. Doubtless many who left with the evacuating armies would have preferred to remain, had they been assured of restitution, or decent treatment. As to the numbers of loyalist refugees, Judge Thomas Jones's statement (*History of New York during the Revolution*, ii. 260, 504–9) that 100,000 left New York City alone in 1783 is grossly exaggerated. The official enumeration of the Commissary General states that 29,244 persons sailed from New York City for various parts of Nova Scotia at the time of the evacuation. A. C. Flick estimates the total emigration from New York State, 1776–87, at 60,000 (*Loyalism in N.Y.*, p. 179). About 16,000 left Savannah and Charleston in 1783, going mostly to East Florida, and eventually to the Bahamas and the West Indies. If we add those who left Boston with Howe and Norfolk with Dunmore, the sum total will be short of 80,000. Sir Charles P. Lucas, in his *History of Canada, 1763–1812*, p. 225, states that not more than 40,000 in all took refuge in British North America. This would cut down the total number of all refugees to about 65,000. All these estimates include men, women, children, and slaves. See the careful studies by W. H. Siebert on the dispersion of the loyalists, and a letter of Dr. David Colden in *Amer. Hist. Rev.*, xxv. 79.

States permitted to continue the enjoyment of their property; and practically all of this class remained in the country. John Adams admitted that the Tory vote helped to obtain the ratification of the Federal Constitution. A French *émigrée* reported that the richest and most distinguished members of Boston society, in 1794, were returned loyalists.[1] Even in New York most of the Tories remained, and many of the exiles drifted back—men such as Cadwallader Colden, who became mayor of the city, and commanded a regiment in the war of 1812, and Henry Cruger, elected to the New York senate while still an M.P. After the test oath of allegiance was abolished in Pennsylvania, the loyalist father-in-law of Benedict Arnold became chief justice of the Commonwealth, and Benjamin Chew, who returned from exile, received another high judicial office. Hundreds of similar instances might be cited. Practically every American family that can trace its ancestry to colonial days has a dash of loyalist blood. If then, the bulk of the loyalists became good American citizens, the country might well have repatriated all who were willing to do so. A young republic could ill spare such men as Count Rumford, John Singleton Copley, and Justice Howe; though American schoolboys were saved much future pain through the departure of that loyal grammarian Lindley Murray. However, America's loss was Britain's gain; without the United Empire Loyalists of Canada, and the equally loyal refugee families in the West Indies, it is unlikely that those dominions would still belong to the British Empire.

2. *The Debts*

One clear obligation placed on the Thirteen States by the peace treaty was to open their courts freely to British subjects seeking to recover their pre-war debts.

[1] Marquise de la Tour du Pin, *Mémoires d'une Femme de Cinquante Ans* (Paris, 1913), ii. 8.

There is no doubt that this article was violated both in letter and in spirit. Virginia, where the debts were heaviest, and the general attitude toward financial obligations was aristocratic and feudal, led the way in passing laws hampering the recovery of British debts.[1] Both French and British armies left plenty of gold and silver in the country, but the Americans—like others in similar circumstances—spent it on luxuries, instead of paying their pre-war debts. Hard times followed, and domestic creditors suffered equally with the foreign.[2] John Jay induced Congress to send a circular letter to the States, adverting strongly (as Washington did also) on their breach of the public faith, and requesting the repeal of their illegal acts. Most of them had complied by 1789, when the Constitution superseded all state laws contrary to treaty obligations, and opened the new federal judiciary to British litigants. Thereafter, the recovery of British debts was a matter of judicial process, and no impediment was imposed save the law's delay.[3]

[1] Mr. Oliver's lurid description, in his *Hamilton*, of the 'recklessness', 'unvarnished dishonesty', and 'knavery' of the Americans, who 'elevated revenge into a national object', is a useful foil to the high-mindedness of his hero; but as history it can hardly be regarded as fair or even correct. Eighteenth-century England was not wholly a stranger to scenes of domestic violence, and the attitude of the landed gentry towards their debts, however obnoxious it might be to shopkeepers, could hardly be called 'unvarnished dishonesty'.

[2] See next chapter.

[3] The statement submitted by British claimants in 1791 shows almost five million pounds of uncollected debts with interest, almost half being due from citizens of Virginia. The British minister at Philadelphia, however, wrote his Government that these figures had been grossly padded. Lord Grenville in 1794 thought even £2,000,000 excessive. Under Jay's treaty (1794) the determination of uncollected debts was left to a mixed commission, which failed to agree. Finally, by a convention of 1802 the United States paid a lump sum of £600,000 in complete satisfaction of the bona fide debts and interest.

3. *The North-West Posts, the Fur Trade, and the Mississippi Valley*

Article VII of the treaty of peace required all British garrisons on American soil to be withdrawn 'with all convenient speed'. New York was completely evacuated by December 1783. Seven military and fur-trading posts[1] on the American side of the new Canadian boundary remained in British possession. The general in command, lacking orders from his superiors, refused, in August 1783, to discuss arrangements for turning over these posts with an emissary of Washington. Another American officer, sent by the Secretary of War to demand surrender of the posts in July 1784, was similarly dismissed. On 8 April 1784, the day before George III ratified the treaty of peace, his Home Minister wrote Haldimand that the posts would not be evacuated, 'at least until we are enabled to secure the fur traders in the Interior Country,' because the United States had not complied with even one article of the treaty.[2] They were not evacuated until 1796, after a convenient delay of twelve years.

If the United States could have been deemed to have broken a treaty before it became a binding obligation, the same principle applies to Great Britain; and the first violation, in point of time, was committed by British military and naval commanders in deporting slaves at the evacuation of New York,[3] which Virginia

[1] From east to west these posts were Dutchman's Point and Pointe-au-Fer at the head of Lake Champlain, guarding the military and trading route between Montreal and Albany; Oswegatchie on the St. Lawrence river, near Ogdensburg, N.Y.; Oswego, N.Y., on Lake Ontario, guarding the portage route to the Mohawk; Niagara, on the American side of the falls; Detroit, on the river between Lakes Erie and Huron; and Michilimackinac, on an island in the strait between Lakes Huron and Michigan.

[2] *Report of Amer. Hist. Assoc. for 1894*, p. 417.

[3] See p. 56, note.

alleged in justification of her legislation against British creditors. Now that the archives have yielded up their secrets, it is clear that prior violations were a mere pretence in the one case as in the other. Reluctance to pay was the real reason for the Virginia law; unwillingness to abandon the fur trade and the Indians of the North-West was responsible for retention of the posts.

It was partly in order to conserve the fur trade and control the redskins that the Province of Quebec had been extended from the Ottawa to the Ohio river in 1774.[1] Scots-Canadian fur merchants, Grants and McGills and Mackenzies and McTavishes, brought new capital and business acumen, which made an irresistible combination with French-Canadian personnel, technique, and Indian connexions. During the next ten years they so developed this trade that peltry to the annual value of £200,000 passed through Montreal on its way to London. Then, in the peace treaty, Shelburne made a free gift to the United States of this immense imperial asset, the land between the Lakes and the Ohio river.

At least, so the cession appeared on the Canadian side of the boundary; and thus many Canadian historians have described it. But we must remember that the Thirteen Colonies had prior claims to this region as against Canada; that they had never admitted the validity of the boundary extension of 1774, and that, after all, they had won the war. Possibly, by prolonging hostilities, England could have persuaded the Americans to give way. But a glance at the map, and a forward reference to the annexation of Texas, should convince critics of the British Government that sooner or later the American settler would have rushed across the Ohio, with another Anglo-American war as result. Lord Shelburne grasped the expansive nature of

[1] R. Coupland, *The Quebec Act* (Clarendon Press, 1925), p. 95.

American society. Instead of robbing Canada, his partition of the West enabled Canada and the United States to expand along parallel lines.

As soon as news of the treaty terms reached Canada, petitions and remonstrances from the Montreal fur merchants began to pour in upon the Governor-General. American possession of the North-West posts, they complained, would divert the fur trade to New York and Philadelphia. Lord Sheffield pointed out the same thing in his *Observations*. Neither the fur merchants, nor General Haldimand, in communicating their complaints to Whitehall (20 August 1783), ventured to suggest that their government should repudiate a treaty; they only requested a reasonable delay to reorganize the trade, before evacuating the posts. Haldimand added some political considerations. The Western Indians, loyal throughout the war, had been guaranteed the Ohio boundary in 1768; and it would seem the grossest treachery to deliver them to American jurisdiction, as the treaty required. It was in answer to this memorial that the Home Office gave orders to retain the north-west posts.[1]

By this deliberate breach of treaty obligations the United States were excluded from territory, trade, and Indian control that were rightly theirs. Yet there were even more serious implications in the act, though the actors may have been unconscious of them. Detroit and Michilimackinac were sally-ports of empire, looking towards New Orleans. In an earlier geological age the

[1] The facts have been accessible since Douglas Brymner's *Report of the Canadian Archives for 1890* was published, and A. C. McLaughlin's article on 'Western Posts and British Debts' appeared in the *Report of the Amer. Hist. Assoc. for 1894*. Previously, most American historians, not understanding the value of the posts for the fur trade, accepted the British reason for their retention in good faith. S. F. Bemis has adduced other facts, all pointing to the same conclusion, in his *Jay's Treaty*. All alike are blandly ignored in the *Camb. Hist. Br. For. Pol.*, i. 153.

Great Lakes had drained southward, into the Mississippi. From the upper tributaries of that system they were still separated by an almost imperceptible watershed, easily crossed at numerous canoe portages. These portages once past, there was no natural obstacle to the control of the entire Mississippi valley, of that vast heart-shaped region which to-day supports a population of forty millions. No one then suspected such possibilities. The prairies were looked upon as deserts, incapable of supporting human life. Yet at a period when the only value of this region was the peltry trapped by its Indian occupants, the incessant clamour of Canadian fur-traders for military backing impelled the Bourbon Kings to advance their American outposts, and to threaten the expansion of the Thirteen Colonies. That was the main cause of the Seven Years' War in America. Because the fleur-de-lis had been planted on the banks of the Ohio in 1754 it was uprooted from the St. Lawrence and the Mississippi in 1763.

Twenty years later the United States acquired the British title to the eastern Mississippi valley. Were they also destined to inherit the feud? The King of England still commanded the sally-ports that he had won in 1763. The longer he kept them, the more irresistible to his Canadian subjects would be the suck and pull of the mighty river of the West. Twice the Thirteen Colonies had fought to keep French Canada from their back doors; must the Thirteen States fight again to keep British Canada within her legal boundaries? Would the United States ever be secure until British power, like French power, was expelled from the North American continent? Only the forbearance of President Washington prevented the Sibyl from returning the same answer he had forced from her as a lieutenant-colonel of Virginia militia, at the fight on the Great Meadows in the spring of 1754.

4. *Indians and Backwoodsmen*

The next step of the Canadians along the path of their French forbears was to intrigue with American separatists, in the border wilderness. Sir John Johnson, and the former Tory leaders who managed the Canadian Indian department, encouraged Brant, the Mohawk chieftain, to stir up trouble among the tribes between the Ohio and the Lakes. As White Eyes, chief of the Delaware, remarked, this 'flock of birds' imposed a song on his people that led to their ruin. Although, so far as we know, the tribes were not directly incited to aggressive action against the American frontier, they were encouraged to consider their treaties with the United States null and void, and were well supplied with the means to do so from the arsenals of their 'white father' George III. The Home Office approved this policy in 1787, when Lord Sydney wrote the new Governor-General that to afford the Indians 'active assistance would be a measure extremely imprudent, but at the same time it would not become us to refuse them such supplies of ammunition as might enable them to defend themselves. I observe by Captain Brant's letter that they are in great want of that article, and, circumstances as they are, there can be no objection to furnishing them with a supply, causing it to be done in a way less likely to alarm the Americans, or to induce the Indians to think there is a disposition to excite them to hostile feelings.' [1] This language was cautious, but equivocal; it was not calculated to discourage the Canadian authorities from their dangerous policy: nor did it do so.

[1] Bemis, *Jay's Treaty*, pp. 16–17; George Bancroft, *Hist. of the Constitution* (1882), ii. 416. The reader must be reminded that these Indians who were to be aided 'to defend themselves' with British ammunition were all located within the territory of the United States, as described in the peace treaty.

Treaties were concluded in 1784–6 between the United States and the sachems and warriors of several tribes, only to be repudiated by other sachems and warriors of the same tribes. Hostile incursions across the Ohio continued to be made by the Shawnee, Delaware and Wyandot, Ottawa and Chippewa, Miami and Potawotomi.

Pointe-au-Fer and Dutchman's Point, the two posts retained by Britain on the American side of the boundary at Lake Champlain, were twin feeders to a separatist movement in Vermont. The 'Green Mountain Boys' of this region had played a decisive part in the campaign that ended in Burgoyne's surrender. But New York claimed their land, and the Confederation refused to recognize their state government. A party among them, accordingly, applied for British protection; and obtained free trade with Canada as a beginning. The Allen brothers, including that Ethan, who in 1775 had captured Ticonderoga 'in the name of the Great Jehovah and the Continental Congress', and his brothers, were leaders of this faction. Like true Vermonters they acted with such silent shrewdness that only recently have the archives revealed their doings.[1] Levi Allen went to London to obtain a commercial treaty between Great Britain and Vermont; and offered 'to raise a regiment of Green Mountain boys for His Majesty's service'. The attitude of the Foreign Office was diplomatically correct. It fed Allen with hope until the Nootka Sound crisis was over, and then let him down gently.

West of the Appalachians there were more troubled waters in which to fish. By 1789 there were not far from a hundred thousand persons in Kentucky and Tennessee. A quarter of a century before, Daniel Boone and the 'long hunters' had led the way into

[1] Bemis, in *Amer. Hist. Rev.*, xxi. 547–60; *Proceedings of Mass. Hist. Soc.*, lvii. 28–34.

that 'dark and bloody ground',[1] lured by the finest hunting their race had found in a thousand years, and the richest land yet spied out in the Thirteen Colonies. Before the war broke out the first stockaded settlements had been erected on the western waters; in 1780 the migration began to gather irresistible force. It included all sorts and conditions of men, drawn by love of adventure, or lust for virgin soil; by hatred of restraint, or ambition to exploit. There were creators of commonwealths like Sevier, and organizers of monopoly like Robertson, outlaws and cattle-thieves, land-jobbers with a pack of soldiers' warrants as capital,[2] refugees from the civil war in North Carolina, Virginians who found the tyranny of Whig committees more galling than the yoke of Britain, even out-and-out loyalists. Some of the simpler and less ambitious remained in the 'coves' or sheltered valleys of the Appalachians and Great Smokies, where their descendants to this day wear homespun, shoot game with a muzzle-loading rifle, dance the morris and the running set, and frighten their babes with the name of Claverhouse. Others pressed through the Cumberland gap in the mountains, down along the Indian war-paths and buffalo traces into the fertile river-bottoms[3] of Kentucky (soon to

[1] So called because it was a sort of no man's land between the northern and the southern Indians, where rival hunting parties gave battle.

[2] Virginia had offered land bounties, varying from one hundred acres for a private to fifteen thousand acres for a major-general, to her citizens who served three years in the regular army during the War of Independence. Warrants entitling the bearer to so many acres in the ungranted land of the State were issued to those who had earned them. On demobilization many of the Virginia soldiers went to Kentucky to 'locate' their land, but the greater part sold their warrants to land-jobbers, who were thereby enabled to secure large tracts very cheap. North Carolina land warrants were similarly 'located' in Tennessee; and a tract in the north-west territory was later set aside for locating the continental land warrants.

[3] The American term for the alluvial lands in a river valley.

rival Virginia for sweet-leaf tobacco), the hardwood forests between the Cumberland and the Tennessee, or the rolling blue-grass prairies, where they learned to rear fleet race-horses. Another stream of settlers followed the Potomac or the Juniata to their head-waters, then crossed the Alleghanies to Wheeling or Pittsburg, and built flat-boats to descend the Ohio, at the great falls of which they founded Louisville.

The most striking features of this migration were its spontaneity and the intense individualism of its members. California was taken possession of by Spain, with methods derived no less from pagan than from Christian Rome; not so the 'dark and bloody ground' by the American pioneer. No government provided his means of transport, or protected him at his destination. His ideal and his practice were individual liberty, restrained only by spontaneous organization to secure defence, and to protect property from his more lawless fellows. His earlier settlements were in stockades, or 'stations' as he called them. Perhaps twenty or thirty families lived within a wooden palisade, with blockhouses at the corners, encircled with a swath cleared from the surrounding forest as precaution against attack. Thus, ten centuries before in England, countless 'stokes' looked out on unbroken fen and forest. But the American stockades were fortuitous and temporary. Some vague instinctive fear, perhaps, that village life would mean serfdom to him as to his Saxon ancestor, broke up the stations before it was safe to do so, and each pioneer made haste to satisfy his ambition for a wilderness farm with clearing and log cabin in the centre.

Kentucky was politically a part of Virginia, and Tennessee of North Carolina; but few of their settlers retained much attachment to the States whence they came. For several years eastern Tennessee was a *de facto* State of Franklin, where taxes were payable in

beaver, bacon, or good rye whisky, and the governor's salary was a thousand deer-skins. If the pioneers had been content with primitive means of livelihood, they might have maintained political independence. But like most American pioneers, they were determined to better their condition; and that could only be done through an outlet, and a market for their corn and cattle and peltry. With a mountain wall behind them, that outlet could be found in only two directions—north-east over the easy portages to the Great Lakes and Montreal; south-west down the Ohio and the Mississippi to New Orleans. England controlled the one route; Spain the other.

The men on the western waters believed that they were capable of handling the wild Indians themselves; but they could not manage the European powers behind the Indians. From 1784 to 1794 the Kentucky frontier suffered almost continuous attacks from the western tribes. There were no pitched battles, and few skirmishes. Small bands of redskins lurked along the Ohio river, making easy meat of any settler whose flat-boat struck a snag. Others, under the cover of the dense, tangled forest that stretched from the Appalachians to the prairies and the gulf plain, lay in wait beside the narrow trails over which the pioneers came. In 1788, when Andrew Jackson made his way to Nashville, over the most beaten trail to the West, his party had to keep on the march for as much as two days and a night, never daring to shoot game or kindle a fire, and sitting back-to-back with rifles cocked at the brief intervals of rest. More frequently the Indians chose a method of attack by which they had vainly endeavoured to check the white man's advance for two centuries and a half. Stealthily approaching a clearing they would pick off the men while at work near the forest edge, scalp them, plunder the cabin, and carry into captivity such women and children as did not sell their lives dearly. The

grandfather of Abraham Lincoln was wounded in this manner in 1784, and the child of eight who was to be the father of Abraham was saved by a shot through the cabin loophole by his fourteen-year-old brother.

Small wonder that the backwoodsmen developed the cunning of their enemies, and retaliated with fiendish reprisals at every opportunity. It is idle to ask whether paleface or redskin committed the first, or the worst aggression; unless, indeed, we go back to the *causa causans*, the European colonization of America. These children of nature, white and red, could no more be made to respect a treaty than dogs can be kept from fighting by the friendship of their masters. But one thing is certain, the British support of the savage subjects of the United States was fatal to them, and almost disastrous to Anglo-American concord. The backwoodsmen grew to detest the name of the country whose mark they found on their enemies' rifle-barrels.

One Connolly, an early proprietor of Louisville, organizer of a Tory diversion in the west, and a combatant on the losing side at Yorktown, made his way from Detroit to Kentucky in 1788, in order to tempt the settlers with a British protectorate. He was lucky to escape without a coat of tar and feathers. From Whitehall, the Home Secretary wrote to Lord Dorchester, in 1789, that it was desirable for the West to establish its independence of the United States; in which event 'means would be taken to cultivate a closer connexion with them'.[1] But Kentucky had suffered too much from the hostility of Montreal, and the criminal complaisance of Whitehall, to be anything but hostile to a British connexion. The West became a stronghold

[1] Bemis, *Jay's Treaty*, p. 44. The Lords of Trade reported in 1789 their opinion that it will be well 'to prevent Vermont and Kentucky and all the other settlements now forming in the interior from becoming dependent on the government of the United States'. *Amer. Hist. Rev.*, vii. 707.

of the anti-British party. It was Henry Clay, of Kentucky, who in 1810 called for an invasion of Canada 'to extinguish the torch that lights up savage warfare'.

5. *Spanish Policy in the South-West* [1]

On the south-western borders of the United States Spain was pursuing exactly the same policy as England in the North-West, and with the same weapons; a policy less dangerous, as it turned out, only because the Spanish empire was tottering to its fall. This last fact, however, was not apparent in 1783. Spain had recovered Louisiana, including everything from the Mississippi to the Rockies, in 1762. During the War of Independence she had offered an alliance to the United States in return for the region south of the Ohio, between the Mississippi and the Appalachians, which she was pleased to call 'Eastern Louisiana'. Her object was not to acquire territory, but to dam the flood of western migration at the mountains, lest it overrun the Mississippi to the plains of Texas and the valley of Mexico. Florida Blanca, the able premier of Charles III, foresaw and feared the expansive and propagandist tendencies of the United States, before the American Revolution was a year old.[2]

Congress refused to cede the West, but Spain joined the war as an ally of France, and obtained from Britain, as the price of peace, East and West Florida. It was too late to stop the gaps in the Appalachians; but not too late to make them an international boundary, with 'Eastern Louisiana' a Spanish protectorate. To accomplish this policy, Spain not only used Indians, and retained posts on United States territory, but choked

[1] Dr. A. P. Whitaker has kindly given me notes of his researches in the Spanish archives on this phase of Spanish policy, together with much helpful criticism.

[2] P. C. Phillips, *The West in the Diplomacy of the American Revolution* (1913).

the southern outlet of the West, and corrupted some of its leading men.

In 1784 the Creek, Choctaw, and Chickasaw Indians, who inhabited the territory of the United States south of the Tennessee River and west of Georgia, were persuaded to conclude treaties with His Catholic Majesty, who became virtually their protector. Here, too, as in the North-West, Scots fur-traders appeared. A loyalist refugee from Georgia organized the firm of Panton, Leslie & Co., which, with Spanish approval, established trading posts in Florida, and sent its factors, with ammunition and other Indian truck, up the rivers towards the Tennessee frontier.[1] Within a year of Sydney's letter to Dorchester, ordering the Indians to be supplied with ammunition 'in a way less likely to alarm the Americans', the governor of Louisiana, Estévan Miró, wrote the governor of Pensacola similarly to supply the Creeks, 'with all possible reserve and caution... in order to give the Americans no just grounds for resentment.'

Miró disclaimed any desire to provoke hostilities; he hoped to attract American pioneers to Upper Louisiana by making Kentucky and Tennessee dangerous for them. This over-refinement, so characteristic of Spanish foreign policy, was hardly adapted to elements so unstable as redskins and backwoodsmen. Creek and Cherokee, now well furnished with weapons, began to harry the American settlements on the Cumberland and upper Tennessee rivers, and in Georgia. The frontiersmen were not slow to retaliate on Indian villages along the Coosa and Oconee rivers, and they found the southern tribes better organized and less elusive than those along the Canadian frontier. During 1787–8 the border from Nashville to southern Georgia was the scene of hideous barbarities.

[1] A reproachful 'talk' of some Creek sachems to William Panton, for leading them into trouble, is printed in the *Annual Register* for 1794, p. 249.

Natchez, on the left bank of the Mississippi, well within the boundary of the United States as recognized by Great Britain, had been captured from British loyalists in 1779 by the Spaniards, who refused to surrender it to the United States, as not England's to grant. Natchez and New Orleans gave Spain the control of the lower Mississippi—a powerful means of pressure on the West. The people of Kentucky, Tennessee, western Virginia, and even western Pennsylvania, discovered that the long river journey south was their only practical way to a market. Their cheap and bulky products could not stand the cost of being sweated over the Appalachian passes. Nothing larger than a canoe could be taken by water from the Ohio river to the Great Lakes. But the Mississippi river led to natural markets in lower Louisiana, where the Creole planters preferred to concentrate on cane, and purchase their live stock, horses, corn, and bacon. A similar economy prevailed in the West Indies. New Orleans was a natural post of transhipment—a western Danzig or Fiume—for the New York and European markets. From 1795 to the 1830's the merchants who supplied the upper Ohio valley with manufactured goods obtained their consignments by covered wagon, over the mountain roads from Philadelphia and Baltimore ; and made their returns in flour, corn, salt pork, fur, and tobacco, down the Ohio and Mississippi, to New Orleans. There the flat-boats were broken up for firewood, and the boatmen, if they did not succumb to fever at New Orleans, made their way home by Indian trail. Sailing-vessels transported the cargo through the Gulf of Mexico to its final destination.

As General James Wilkinson of Kentucky wrote Miró in 1789, ' Spain ought to consider the navigation of the Mississippi as one of the most precious jewels of her crown. For, whatever power shall command that navigation, will control all the country which is watered by

that river, and by those streams which fall into it.' [1] Conversely, permission to navigate the lower Mississippi, and to enjoy a 'right of deposit' or free transhipment at New Orleans, was for the American West a question of life and growth, or strangulation.

Although formally denied to the United States as a right, both navigation and deposit were frequently accorded as a privilege, by the dispensing power of Miró, in favour of such westerners as would promise to serve Spanish policy—to detach their communities from the United States. Wilkinson, who accepted not only favours but bribes to make his State a 'bastion of Mexico', was the most notorious of these western traitors. When John Jay, secretary of the Confederation for foreign affairs, proposed in 1786 to waive the right of deposit in return for privileges to eastern shipping in Spanish ports, Spain's western following increased. A surprising number of backwoods politicians accepted Spanish gold, and intrigued for secession, because they had lost hope of obtaining their outlet from the United States. What made matters worse was that many leading easterners, disliking frontiersmen as political bedfellows, wished the West well out of the Union.

It was a strange diplomatic combination, that of polished don and rough-necked pioneer. One may well wonder that the latter showed less resentment against the nation who egged on the Cherokee and Creek, than against the power who supported the Shawnee and Miami. It was not merely that the Spaniard had more to offer and more ways to hurt. However fiercely your backwoodsman might hate the Canadian loyalist, he respected British power, whilst for Spaniards and their diplomacy he had a fundamental contempt. To the northward, moreover, he wanted nothing but his rights; to the southward his ambition knew no limit but Panama and the Pacific. As the Germans in the dark

[1] Gayarré, *Hist. of Louisiana*, Spanish period (1854), iii. 231.

Teutowald yearned for the sunny, fertile plains of Italy, so the backwoodsman of Tennessee, as he tilled his patch of corn in the shade of girdled trees, while kinsman watched with loaded rifle, dreamed of the day when he would go whooping down the great river of the West, to loot the lazy Spaniard of his undeveloped land. And his dream, like the other, came true.

VI

CONFEDERATION AND CONSTITUTION

1781–9

1. *The Articles of Confederation*

MOST of the difficulties under which the United States laboured during the first five years of peace were the necessary effects of a war that loosened the bonds of society, and cut the connexion with a trading empire. But they were aggravated by the weakness of government. The Articles of Confederation [1] were an improvement on the constitution of any previous league in modern history. Considering the attachment of Americans to their States, and the prevailing jealousy of authority, no stronger government could have been obtained in 1781. In some respects the Confederation did very well. Machinery was provided to settle interstate disputes, and Congress, as trustee of the western territory, adopted principles of territorial government and administration that served the country for another century.[2] But for most objects of government the Confederation proved inadequate.

The radical weakness of the Confederation was its complete dependence—like the old German Diet and the modern League of Nations—upon the goodwill of sovereign States. Congress wanted power to fill the Treasury and enforce the laws of the Union. The Government languished upon the meagre results of requisitions which the State legislatures sometimes could not, but more often would not honour.[3] Only half a

[1] Morison, *S. & D.*, p. 178; Macdonald, *D. S. B.*, p. 195.

[2] See Chapter XIV.

[3] It will be remembered that the system of requisitions by the Imperial Government upon the Thirteen Colonies worked equally badly during the Seven Years' War.

million dollars on the average was annually paid into the federal treasury by the States between 1781 and 1786: a sum hardly sufficient to meet the running expenses of government, let alone war costs and service of war loan. Robert Morris, the able finance minister of the Confederation, was fortunate to prevent repudiation, and, by the grace of Amsterdam, to stave off bankruptcy. Overdue interest on the debt accumulated, continental securities fell below three shillings to the pound, and demobilized army officers had to sell at a heavy loss the scrip they had received in lieu of pay. These difficulties might have been met as they occurred, in the good old English fashion, if the Americans had not retained the good old English belief that control of purse-strings was the first safeguard of liberty. The Thirteen States were not yet ready to give a federal legislature in which they were represented, what they had refused to an Imperial Parliament in which they were not represented. Unanimous consent was necessary to amend the Articles of Confederation. Rhode Island alone defeated one proposal to provide Congress with a five per cent customs duty; and when Rhode Island was later induced to part with this 'most precious jewel of sovereignty', as she called it, the amendment was rejected by the legislature of New York.

Congress had exclusive charge of foreign and Indian relations, but for want of authority to regulate foreign commerce it could not deal with Britain or with Spain as a sovereign power; and States like Georgia dealt separately with the Indians. For want of authority to regulate domestic commerce, Congress could not prevent the States from indulging in petty tariff wars, or from hampering each other's vessels with a variety of niggling dues and regulations. The conditions of doing business between the States of the Union in 1785 resembled those among the succession States of eastern Europe after the Great War.

Yet it was not so much powers that the Confederation wanted as power. Requisitions might have served in lieu of taxes had Congress possessed the authority to enforce them. As James Madison observed in a paper written in 1787,[1]

'A sanction is essential to the idea of law, as coercion is to that of government. The federal system being destitute of both, wants the great vital principles of a political constitution. Under form of such a constitution, it is in fact nothing more than a treaty of amity of commerce and of alliance, between independent and Sovereign States.'

Noah Webster pointed out the same defect, and indicated the remedy that was eventually adopted:

'The general concerns of the continent may be reduced to a few heads; but in all the affairs that respect the whole, Congress must have the same power to enact laws and compel obedience throughout the continent, as the legislatures of the States have in their respective jurisdictions.'[2]

2. *The Day of the Debtor*

There were many who saw these defects, and agreed as to the remedy; but the vast majority of Americans were unconvinced. The principles, and still more the catchwords of a struggle waged for independence rather than union, for liberty rather than social order, were still current.

'The people perceive', wrote a French observer in 1786, 'that a natural consequence of granting wider power to the government would be the regular collection of taxes, a severe administration of justice, a rigorous execution against debtors, and the preponderance of rich men and great landowners. On the other side, although there are no patricians in America, there is a class of men known as gentlemen. . . . The bond between them is strengthened by the efforts of the people to

[1] 'Vices of the Political System of the United States', *Writings*, (Hunt ed.), ii. 363.

[2] *Sketches of American Policy* (Hartford, 1785), p. 38; *Old South Leaflets*, No. 197.

despoil them of their property, and the fact that they are public creditors, and as such interested in strengthening the government and enforcing the law. . . . The better part of them being merchants, it is their interest to establish the credit of the United States in Europe by the full payment of the national debt, and by giving Congress sufficient power to make the people pay.' [1]

Herein this sapient diplomatist bares the forces and elements that produced the new Constitution and the Federalist party. The 'class of men known as gentlemen' had their eyes opened not by the writings of Madison, Noah Webster, and Hamilton, but by a radical movement within the States, threatening their property.[2]

In almost all the States, as we have seen, there was a distinct class division between merchants and farmers, or (in the South) planters and farmers, coinciding roughly with the physical division between coast and interior, town and country. During and after the war, the farmers wrested political concessions such as the franchise, and a reapportionment of legislators, from the merchants and planters; yet they were far from satisfied. The loss of markets after the war increased the normal indebtedness of frontier and rural districts to merchant-bankers and market towns. A currency famine made matters worse. Debtors began to press State legislatures for relief in the form of 'tender acts' making land or produce, at fixed prices, a legal discharge; or 'stay laws' postponing the collection of debts; or laws providing cheap money. The favourite device was a state loan of legal-tender paper currency to landowners. It had often been used in colonial days, when

[1] Morison, *S. & D.*, p. 223.

[2] Madison wrote that the injustice of State laws 'contributed more to that uneasiness which produced the Convention, and prepared the public mind for a general reform, than those which occurred to our national character and interest from the inadequacy of the Confederacy to its immediate objects'.

not checked by Parliament; and the same demand for cheap money followed the frontier westward, reappearing in the State land banks of 1819–30, in the 'greenback' agitation of the 'seventies, and the 'free silver' movement of 1896.

Seven States issued paper money in 1786, when the economic depression was at its worst. In order to get it into circulation, North Carolina purchased tobacco from the farmers at double the specie value. In Charleston young radicals formed the Hint Club, which made a practice of sending sections of rope to planters who would not receive State paper for their rice. Rhode Island, where the debtors put through the whole of their programme, furnished an example of what the gentlemen might expect elsewhere. The State lent large sums of paper money to landowners, and forced it on others by heavy penalties. If a creditor refused to accept State paper to the face value of his due, the debtor could discharge his obligation by depositing the currency with the nearest judge. Of course the merchants shut up shop and fled the State to escape purchasers, as did hundreds of harassed creditors, pursued by implacable debtors seeking to make the legal proffer of paper money. Before the New England farmers had time to learn this economic lesson, civil war broke out in Massachusetts.

3. *Shays's Rebellion*

In that State the case of the farmers was really deplorable, and they lacked the political power to obtain relief. Farm produce was a glut on the market, owing to the stoppage of West India trade, and taxes were heavier than elsewhere. The commercial interests, having rigged the State constitution, had succeeded in shifting the weight of taxation on to land and polls. Courts were clogged with suits for debt, the cost of

justice was exorbitant, and lawyers were more grasping than usual. In the summer of 1786 several popular conventions demanded reforms in the State administration, the removal of the capital from Boston, and an issue of fiat money as in Rhode Island. No relief could be had from the legislature. The process of distraining upon cattle and land for the debts and accumulated taxes of five lean years went rigorously on. That many of the yeomen, facing a debtor's prison and loss of ancestral farms, resorted to violence, is not so surprising as the sense of law and order that prevented the majority of sufferers from following them.

In the autumn of 1786 mobs of yokels, under the somewhat unwilling lead of a former army captain named Daniel Shays, began forcibly to prevent the county courts from sitting. The object of the leaders appears to have been to prevent further judgements for debt, pending the next State election. They met with stout resistance from the State government. John Hancock, scenting trouble, had retired from the governorship; his successor, James Bowdoin, was a tough-minded merchant who kept the legislature firm. The mobs were ordered to disperse, the leaders declared outlaw, and a price placed upon their heads. Shays and his comrades then resolved to become rebels indeed. For a few days there was danger that the State government might be besieged in Boston by an infuriated peasantry, as had happened to the last royal government in 1775. But the rebels lacked firearms, and their attempt to capture the federal arsenal at Springfield was repulsed by grape-shot. Loyal militia, financed by contributions of merchants, was set in motion from the eastern counties, and young university men formed a cavalry regiment to terrify the country folk. The rebel bands, armed for the most part with staves and pitchforks, were scattered into the barren hills of central Massachusetts, where they

were hunted in the heavy snow like game. Many fled to the western wilderness; cold and hunger forced the remnant to surrender.

So ended Shays's rebellion. Its effects went deeper than any event since the Boston tea-party. Unlawful force was discredited, and a government based on rebellion showed that it could deal with rebellion. But how narrow had been the escape from civil war, if indeed it were an escape. 'There are combustibles in every State which a spark might set fire to,' wrote Washington. 'I feel infinitely more than I can express for the disorders which have arisen. Good God! Who besides a Tory could have foreseen, or a Briton have predicted them?'

Some conservatives turned in despair to monarchy. The President of Congress even sounded Prince Henry of Prussia whether he would accept an American throne. Others learned their lesson from the powerlessness of the Confederation even to protect its own property, much less to help a State in distress. Out of it all came an emotional surge—without which nothing great can be accomplished in America—towards a new federal constitution.

4. *The Federal Convention*

While Shays's rebellion was at its height, the advocates of strong government managed to turn another movement into that channel. Owing to disputes over the navigation of the Chesapeake, Madison had induced the Virginia legislature to propose an interstate convention, to adopt an uniform system of commercial regulation. This convention was to have met at Annapolis in September 1786; but the delegates of only five States arrived promptly. Hamilton, who was one of them, induced his colleagues to report that commerce was too much bound up with other questions, and the

situation too serious, to be dealt with by so unrepresentative a body as themselves, or indeed otherwise than by a constitutional convention of the Thirteen States. Thus prompted, the Congress of the Confederation, on 21 February 1787, invited the several States to send delegates to a convention at Philadelphia on 14 May, 'for the sole and express purpose of revising the Articles of Confederation in such a way as to render them adequate to the exigencies of Government and the preservation of the Union.' So the Annapolis Convention, under the clever guidance of Madison and Hamilton, became a stalking horse for a Federal Constitution.

It was an assembly of notables that met in the State House[1] at Philadephia in May 1787 as the Federal Convention. The legislatures sent the best men of their respective States: leaders with ample experience in colonial and State governments, in Congress, on the Bench, and in the field. George Washington, although doubtful of changing the prevailing popular temper, consented to serve, and was unanimously chosen president of the convention. Madison, who at the age of thirty-six had a ripe knowledge of political theory and practice, came prepared with a study of ancient and modern confederacies—a study fruitful in lessons of what to avoid. George Wythe, the law tutor of Jefferson and Marshall at William and Mary College; George Mason, author of the Virginia Bill of Rights, and Edmund Randolph, governor of Virginia at thirty-four, were also of the delegation from the Old Dominion.

North Carolina sent 'respectable characters' rather than 'brilliant luminaries', in which, among other things, she was rather poor; but South Carolina shone with General Charles Cotesworth Pinckney, an old Westminster and Oxonian; his young cousin Charles Pinckney; John Rutledge and Pierce Butler, the one Irish born, and the other of an ancient Irish family.

[1] The building now called Independence Hall.

Yankee shrewdness was represented by Roger Sherman of Connecticut, cordwainer turned judge ; Oliver Ellsworth, a future Chief Justice of the United States, and William Samuel Johnson, D.C.L. (Oxon.), a loyalist in the Revolution, since elected president of Columbia (late King's) College. New York sent Alexander Hamilton, just turned thirty. The Pennsylvania delegation, led by the aged but still lively Franklin, vied in distinction with that of Virginia. James Wilson, born at St. Andrews and educated at Edinburgh, was the most useful member of the convention after Madison. Gouverneur Morris, the brilliant debater and keen observer of human weaknesses, and Robert Morris, the English-born financier of the Revolution, represented the same State. John Dickinson, the 'Pennsylvania Farmer' of 1768 and reluctant revolutionist of 1776, was sent by Delaware.[1]

The temper of the Convention, in marked contrast to that of the French Constituent Assembly of 1789, was realistic and objective, rather than idealistic and theoretical. 'Experience must be our only guide. Reason may mislead us,' was the key-note struck by Dickinson. Collectively, the members well represented the political intellect, statesmanship, and great property interests of the country. Luther Martin of Maryland was the only champion of the debtors and small farmers. Most of the members were public creditors, who stood to lose personally by a dissolution of the Union, and to gain by a restoration of public credit ; but it would be unjust to attribute their work to property alone, as it is absurd to pronounce them superior to forces that move the best of men. All the members hoped to

[1] The total number of delegates who attended was 55, of whom 9 were foreign-born, and three-quarters had served in Congress. The average attendance at sessions was 30 ; the average age of the delegates was 42, the youngest (Charles Pinckney) being 29, and the oldest (Franklin) 81.

remedy the proved defects of the Articles of Confederation. A few of them saw that something more was at stake. As Madison said from the floor, 'They were now to decide the fate of republican government.' No fair-minded person can read their debates without wonder that a country of four million people could produce men of such intellect and sound practical wisdom, or without pride, if he be of British or Irish blood, that these men were bone of his bone, and flesh of his flesh.

The Convention had been authorized merely to draft amendments to the Articles of Confederation. But events at the beginning gave nationalists like Madison, who wished to scrap the Articles, a start over those who thought tinkering would suffice. The Virginia Plan, foreshadowing a stronger government than was subsequently adopted, became the first basis of discussion. It provided a 'National Executive', a 'National Judiciary', and a 'National Legislature' of two branches, with members apportioned according to population, empowered 'to legislate in all cases to which the separate States are incompetent'.

For two weeks the Convention developed the Virginia Plan in committee of the whole, when William Paterson of New Jersey presented a counter-project, containing almost every feature of the Articles of Confederation that made for weakness and uncertainty. A single legislative body in which each State was equally represented, and lacking any sanction to the laws save armed coercion of the States, was the central feature of this New Jersey Plan. To it the smaller States rallied. Some of their delegates preferred the Virginia Plan, but thought it too 'high mounted' for popular acceptance; others were influenced by the fact that their States enjoyed equality with the larger ones in the Congress of the Confederation, and did not propose to give up that privilege. As Hamilton remarked in the acrimonious

debate that followed, 'It is a contest for power, not for liberty.' Washington is said to have replied to the argument of expediency, 'If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair. The event is in the hands of God.' [1]

By using their superior voting power the large States were able to shelve the New Jersey Plan, and make that of Virginia again the order of the day. But the small States' delegates were unappeased. July brought hot weather, bad temper, and deadlock. Even Franklin the sceptic could only suggest that the sessions be opened henceforth with prayer. Fortunately the large States met the small half-way. After all, it was not the best possible constitution that must be drafted, but the best that the people would be likely to ratify. The same practical consideration ruled out Hamilton's logical plan for a centralized, unitary constitution that would leave the States mere subordinate corporations.

A special committee report, coinciding with a drop in the temperature, brought about the great compromise of the Constitution. Every State was conceded an equal vote in the Senate irrespective of size; but the large States retained their proportional strength in the House of Representatives, on the basis of the 'federal ratio'—an enumeration of the free population, plus three-fifths of the slaves.

The alinement of large against small States then dissolved; but almost every question raised new parties *ad hoc*, and was resolved by a new compromise. State delegations were not even united within themselves. Certain members wished no branch of the federal government to be popularly elected, whilst others, like Wilson, thought that the 'federal pyramid' must be given as broad a basis as possible in order that it might

[1] Told by Gouverneur Morris, in 1799. Farrand, *Records*, iii. 382.

be 'raised to a considerable altitude'. In the end, the qualifications for voting for the House of Representatives had to be left to each State to decide for itself. Gouverneur Morris struggled by means not wholly fair to exclude the growing West from statehood; others had a vision of future expansion; eventually Congress was given full discretion in the matter. There was no serious difference of opinion on such economic questions as paper money and the security of property; but a split between the planting and the commercial interest was recorded in a compromise by which export taxes were forbidden, as an exception to the federal power to regulate commerce. The fear of the Southern States lest they be kept permanently in a minority, as they were by the estimated population in 1787, brought the requirement of a decennial census, as a basis for reapportionment of the House. Southerners also feared lest a Northern majority, using the commerce-regulating power of Congress, might pass a Navigation Act more galling than the old Acts of Trade; they consented to remove a special exception to that power, only when the Northern States agreed not to touch the slave trade for twenty years.

During sixteen weeks the convention held two sessions every week-day. At length, on 17 September 1787, the Constitution was engrossed and signed, and the members 'adjourned to the City Tavern, dined together, and took a cordial leave of each other'. Yet the crucial part of the struggle for a more perfect union had not begun. For the document upon which the Federal Convention had expended so much thought and labour required the consent of popularly elected conventions in at least nine States, to become a constitution.

5. *The Federal Constitution*

The Federal Constitution [1] it has always been called, and the organism that it created is still known as the Federal Government. This term was used advisedly, in order to spare current susceptibilities against a consolidated national government; but, according to the accepted meaning of a *federal* government in 1787—a league resting upon the good faith of the parties—it was ill chosen. The essence of the Constitution, and a secret of its success, was the complete and compulsive operation of the Federal Government upon the individual citizen. It was carefully discussed whether the new government, like the old, should depend upon the sanction of State governments, and, in the last resort, upon the coercion of sovereign States by force of arms; or whether the Federal Government should create its own sanctions, enforce them by its own courts and officials, and, in the last resort, by the coercion of individuals. The latter system, which Ellsworth called the coercion of law, was adopted.

'Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into execution the . . . powers vested for this Constitution in the Government of the United States.' (Art. I, sec. viii. 18.) 'This Constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.' (Art. VI. 2.)

But these State authorities are only auxiliary to the Federal judiciary, which has jurisdiction over 'all cases, in law or equity, arising under this Constitution,

[1] The text may be found in Morison, *S. & D.*, p. 292; Macdonald, *D. S. B.*, p. 216, *S. D.*, p. 29; Bryce's *American Commonwealth or Modern Democracies*, and almost every work on federal government.

the laws of the United States, and treaties made . . . under their authority' (Art. III, sec. ii. 1). Further, Congress has power 'to provide for calling forth the militia to execute the laws of the Union'. The President 'shall take care that the laws be faithfully executed', and he is commander-in-chief of the army and navy.

These are the central clauses of the Constitution. They provide the Federal Government with means for a peaceful enforcement of its laws in normal times, and for coercion of organized law-breaking in abnormal times, analogous to those obtained by the English monarchy under Henry II. The Congress of the Confederation, in contrast, had been powerless to enforce its law on the people of a recalcitrant State, as was a medieval king of France in Normandy or Aquitaine. That a great civil war occurred in spite of these provisions is true; but it is no less certain that without them the Federal Government would have been successfully defied by several States before the Constitution had been in effect a generation. After all, it is no reflection on the institutions of Henry II that York and Lancaster came to blows.

Yet the Constitution is not a national one, for the government it creates lacks complete sovereign power. It is a government supreme within its sphere, but that sphere is defined and limited. As the tenth amendment made clear in 1791, 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.'[1] The States are coequally supreme within their sphere; in no legal sense are they subordinate corporations. Both governments rest on the same broad bottom of popular sovereignty.

[1] Note also that Article VI (quoted on previous page) limits the supremacy of federal laws to such as 'shall be made in pursuance of the Constitution'.

And although the scope of federal power has been widely extended both by amendment and by implication, so has that of the States; so that, even in the twentieth century, the American citizen comes more frequently in contact with his State than with his Federal Government. To the States belong (not by virtue of the Federal Constitution, but of their own sovereign power) the control of municipal and local government, factory inspection and labour laws, the chartering of corporations, the statutory development and judicial administration of civil and criminal law, the supervision of religious bodies, the control of education, and the general 'police power' over the health, safety, and welfare of the people.[1] And the Federal Constitution cannot be amended without the consent of three-fourths of the States.

Article IV of the Constitution has an international flavour. Each State shall give 'full faith and credit' to the others' acts, records, and judicial proceedings; shall extend its every privilege to the others' citizens; shall extradite offenders and return fugitive slaves. The United States guarantees to every State its territorial integrity, a republican form of government, and protection against invasion or domestic violence—another reflection of Shays's rebellion. The Supreme Court is open to interstate boundary and other controversies; the lower federal courts to disputes between citizens of different States. As the Supreme Court later held, 'For all national purposes embraced by the Federal Constitution, the States and the citizens thereof are one, united under the same sovereign authority and governed by the same laws. In all other respects the States are necessarily foreign to and independent of each other.'[2]

[1] Except in so far as the prohibition amendment, and the numerous laws passed by implication from the federal power to regulate interstate commerce, have created a federal police power.

[2] Peters's Reports, ii. 219, 590.

Madison thus concludes his analysis of the nature of the new Constitution :

'The proposed Constitution . . . is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national ; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national ; in the operation of these powers, it is national, not federal ; in the extent of them again, it is federal, not national ; and finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national.' [1]

Almost without knowing it, the framers of the Constitution had realized the principle that they believed to be implicit in the constitution of the British Empire.[2] They proved that federalism and nationalism were not mutually exclusive terms ; they gave a new meaning and value to the federal principle.

In conferring powers on the new government the Convention included all those of the Confederation, such as the conduct of war and foreign and Indian relations, posts, coinage, fixing the standards of weights and measures, and administering the western territory. To these were added the taxing power within certain limits ; a general supervision over state militia ; copyright, patent, naturalization, and bankruptcy laws ; and the regulation of foreign and interstate commerce. The power to pass all necessary and proper laws for executing these defined powers rendered the Federal Government sufficiently elastic to meet the needs of later generations, and of a greatly expanded body politic. Between the powers expressly or implicitly granted to the Federal Government, and those reserved to the States, is a sphere of possible governmental action in

[1] *The Federalist*, No. 39.

[2] R. G. Adams, *Political Ideas of the American Revolution* (Univ. of N. C., 1922) ; Morison, *S. & D.*, pp. 104–5 ; A. C. McLaughlin in *Am. Pol. Sci. Rev.*, xii. 215.

which the lines between federal power, State power, and concurrent power have as yet been merely pricked out by decisions of the Supreme Court.

6. *The Frame of Government*

'Let the government be as the materials be.'[1] This wise advice of a pilgrim father was followed by the Convention, in erecting its frame of government. Colonial or State forms to which the people were habituated were used wherever possible.[2] Instead of the parliamentary system, which the British Dominions have preferred, the Convention of 1787 adopted a system immediately derived from state constitutions, and ultimately from the joint-stock trading corporation of the sixteenth century: a legislature and executive elected at stated intervals, and responsible to the same authority, the freemen. The principle of separation of powers, implied in this corporate form, had become explicit in the minds of Americans who read Montesquieu's *Esprit des Loix*. His insistence on it as a bulwark of ordered liberty had been proved in such state governments as that of Pennsylvania, where a supreme legislature, without check or balance, had abused its power.

The two-year term of the House of Representatives was a compromise between the current American prac-

[1] Rev. John Cotton, *Discourse on Moses his Judicials* (1636).

[2] Sir Henry Maine's dictum that the American Constitution 'is a modified version of the British Constitution', and Lord Bryce's suggestion that it was imitated from the British Constitution as described in Blackstone's *Commentaries*, will not stand historical analysis. Practically every feature of the Federal Constitution was ultimately of English origin, in the same sense that the British Constitution is of Norman and Germanic origin; but there is hardly a clause in it which cannot be traced to state constitutions, or to colonial practice. Theories that the Federal Constitution was of Dutch origin, or inspired by one Pelatiah Webster, or written by Hamilton or Pinckney, or indeed 'struck off' by any one person, may be dismissed as fantastic.

tice of annual elections and the four-year presidential term; the six-year term of the Senators, expiring biennially by thirds, was meant to be a brake on the immediate will of the people. Compared with other legislative chambers, the Senate has a very small membership: 22 in 1789, gradually increasing to 96 in 1913. Until then the members were chosen by their state legislatures. As Madison said, 'the Senate is admirably organized to protect the minority of the opulent against the majority,' and 'to secure the permanent interests of the country against innovation'. Dickinson hoped it would bear 'as strong a likeness to the British House of Lords as possible'. But the Senate has become a much more powerful chamber than the Lords, by virtue of its co-equal legislative power with the House[1] and its share in the President's powers of appointment and treaty-making. The two-thirds requirement for ratifying treaties, which caused such dismay in Europe not long since, was a relic of the Articles of Confederation, retained for fear lest the interests of one section of the country be sacrificed to those of another, as John Jay had recently done in his Spanish negotiation. Madison attempted to procure an exception in favour of treaties of peace, but was overruled.

Apart from the Federal Judiciary, the office of President was the boldest feature of the new Constitution; for there was a strong prejudice abroad against one-man power. Most of the States had a mere figure-head of a governor, chosen by the legislature; but the example of Massachusetts, where a strong and popularly elected chief executive had put down rebellion, encouraged the Convention to clothe the President with ample powers. He is not only the responsible head of the executive and administrative branches, but supreme war chief, and, by

[1] As a concession to popular prejudice, the House was given the sole power to originate revenue bills, but the Senate's right to amend or reject them has nullified this privilege.

virtue of his suspensive veto over Acts of Congress, a part of the legislative as well. He is not hampered by a council, although the Senate shares his appointing and treaty-making powers. He is responsible only to the people. It has often been said that the President of the United States is republican monarch and monarchical premier rolled into one; but the comparison is inexact. He is more independent of the legislative power than either, but Congress is independent of him. He has the right to adjourn but not to dissolve it. The State authorities issue writs of election for the House of Representatives every two years, and the Constitution requires Congress to assemble every December.

Much time and trouble was consumed by the Convention in devising a method of electing the President. It was provided that each state legislature should choose or cause to be chosen, quadrennially, a number of presidential electors equal to its whole representation in House and Senate. The presidential electors of every State form the electoral college, which, owing to unsavoury memories of the Holy Roman Empire, is not permitted by the Constitution to assemble. Each state group meets separately. According to the unamended Constitution, each elector voted for two candidates for President. Their sealed ballots were forwarded to the national capital, opened by the President of the Senate, and counted before the House of Representatives. If any candidate had a majority of electoral votes, he became President of the United States; and the next in order, Vice-President. But if no candidate had a majority, the House, voting by States, not by head, should choose the President from among the five highest on the list.[1] It was expected that the presidential

[1] The twelfth amendment (1804) slightly altered this method by requiring each elector to distinguish in his ballots between candidates for President and Vice-President; in case of failure to obtain a majority, the House decides between the three highest candidates for

electors would nominate a number of 'favourite sons', and the House choose between them, but the two-party system has allowed this to happen but once (1825). Political parties have made the nominations since 1792, and the presidential electors merely register the will of the state majorities. That they should do so is now an unwritten convention quite as strong as any provision of the written Constitution; nor would any State now venture to choose its electors otherwise than by popular vote.

Besides the powers taken from the States and granted exclusively to the Federal Government, they are forbidden by Article I, section x, to exercise certain powers, such as the issue of paper money, or the passage of laws impairing the obligation of contracts,[1] which experience had shown to be dangerous to property, or to union. By forbidding the States to levy import or export duties,[2] the United States became a free-trade area, eventually the largest and most populous such area in the world. It will be remembered that a revolution was required to level the internal customs barriers in France; that the three presidencies of British India did not form a customs union until 1844, and that the Zollverein, formed in 1833, was not perfected until 1870.

The Convention decided to submit its work for ratification to popularly elected State conventions, rather

President, and the Senate between the two highest candidates for Vice-President.

[1] The Supreme Court, under Marshall, construed the contract clause so strictly that the most fraudulent and improvident grants of State governments were held sacred, and a royal charter to a college, granted before the Revolution, could not be amended without the institution's consent. The fiction of a state police power had to be invented in order to justify laws against lotteries, public houses, &c. However, the eleventh amendment to the Constitution made it possible for States to repudiate their public debt with impunity.

[2] They may do so with the consent of Congress; but such consent has probably never been asked, and certainly never granted.

than to State legislatures, in order to give the Constitution a broad bottom of popular consent. Further, the Federal Convention made a clean-cut, revolutionary breach with the Confederation by declaring that the Constitution would be in force when ratified by nine of the thirteen States.

7. *Ratification*

In September 1787, when the Convention adjourned, the prospect of ratification seemed dark indeed. Seven delegates from the States of Massachusetts, New York, Maryland, and Virginia refused to sign the Constitution and advised their States to reject it. Popular governors like George Clinton, Patrick Henry, and Willie Jones were certain to whip up local patriotism against the loss of state power. Debtors and paper-money advocates were furious with the Convention. The Constitution flouted such catchwords as rotation in office, annual elections, and legislative supremacy. Absence of a bill of rights aroused suspicious democrats. For many, it was enough to condemn the Constitution that it granted more power to President and Congress than King and Parliament had ever exercised over the Thirteen Colonies.

The Federalists, as the protagonists of the Constitution tactfully called themselves, could count on the support of merchants and the seaport towns, public creditors, officers of the late army, the pulpit, and most of the press. It was an inestimable advantage that Washington consented to stand for the Presidency. *The Federalist* papers written by Hamilton, Madison, and Jay were first in permanent value of thousands of pamphlets, leaders, and handbills that were issued to persuade the doubtful, and enlighten the ignorant. The Federalists, too, could appeal to popular prejudice; the instinct for law and order so recently aroused against Shays's rebellion, the fear of anarchy, and the latent

spirit of American nationalism. Their most powerful argument was to contrast the impotence of the Confederation against British sea-power and Spanish intrigue with the means for a vigorous foreign policy that the Constitution afforded. It is significant that both the French minister and the British agents at New York were unfriendly to the new Constitution, fearing lest it should enable the United States to become the leading American power.[1]

Unless the Federalists had been shrewd in manipulation as they were sound in theory, their arguments could not here have prevailed. In Pennsylvania they rushed through the election of a state convention before the Anti-federalists had time to stir up their natural supporters, the German farmers and Scots-Irish frontiersmen. Pennsylvania, accordingly, ratified on 18 December 1787. Several of the smaller States, grateful for an equal vote in the Senate, adhered shortly after. Massachusetts suffered the first sharp contest. There was an Anti-federalist majority in the state convention when it met at Boston. In order to meet the popular objection to the lack of a bill of rights, the Massachusetts Federalists drafted one which their commonwealth, in ratifying the Constitution, might propose to her sister States for adoption by subsequent amendment. This clever device won many of the waverers in Massachusetts, and helped the Federalist cause elsewhere. Governor Hancock, who was waiting to see which way the cat would jump, had the Vice-Presidency dangled before his expectant gaze. Doubtful members from the rural districts were plied with flattering hospitality and converted by persuasive eloquence. Finally the Massachusetts convention ratified the Constitution, by a margin of 19 votes in 255. Maryland and South Carolina followed, despite the efforts of Samuel Chase and Luther Martin.

[1] C. A. Duniway, in *Amer. Hist. Rev.*, ix. 304–9; George Bancroft, *Hist. of the Constitution* (1882), ii. 424, 438.

In no State was the event so doubtful, or the discussion so able, as in Virginia. George Mason presented the state convention with a reasoned Anti-federalist view; Patrick Henry, the greatest American orator of the day, tuned every clause of the Constitution with local or popular prejudice, and conjured up a horrid spectacle of the President sallying forth at the head of his army to 'make one bold push for the American throne'. Madison, John Marshall, and 'Light-horse Harry' Lee replied; but it is doubtful whether their arguments would have been convincing had they not previously made sure of Governor Randolph. That weak and vacillating member of an ancient family was the most popular Virginian after Henry. In the Federal Convention he split with Madison, and refused to sign the Constitution on the ground that it would lead to monarchy or aristocracy. Washington and Madison, however, won him back to Federalism before the state convention met; and his skilful advocacy of the Constitution in that body carried weight. Randolph, moreover, managed to deflect a highly insidious counterstroke of the Anti-federalists: a proposal from Governor Clinton to call a new Federal Convention for amending the Constitution before ratification. If disclosed, this letter would have drawn off the doubtful in Virginia. But the Governor kept it secret until after the convention had ratified the Constitution, by a margin of 10 votes in 168, on 25 June 1788.

New Hampshire had come in a few days previously; Virginia made the tenth State, and the Constitution could now go into effect. In New York, where, as Washington wrote, there was 'more wickedness than ignorance' in Anti-federalism, a determined opposition of the landed interest prolonged the contest another month. The convention ratified by a majority of 3 in a total vote of 57, only after the Federalists had threatened to detach New York City from the State. North

Carolina and Rhode Island alone remained outside the new Union, which could now well afford to await their pleasure.

The Congress of the Confederation arranged for the first presidential election declared the new government would begin operations on 4 March 1789, and quietly expired.[1]

On 10 July 1788 the New York *Public Advertiser*, under the heading 'Ship News—Extra' noted the entrance of the good ship *Federal Constitution*, Perpetual Union master, from Elysium. Her cargo included thirteen large parcels of Union, Peace, and Friendship; on her passenger list were Messrs. Flourishing Commerce, Public Faith, and National Energy. Below is noted the clearance of *Old Confederacy*, Imbecility master, with a cargo of paper money, legal-tender acts, local prejudices, and seeds of discord; and the total loss with all hands of the sloop *Anarchy*, wrecked on the Rock of Union.

[1] Congress wished to allow plenty of time for the choice of House, Senate, and presidential electors, in a country of such great distances. No uniform date for these federal elections was adopted until well on in the nineteenth century, when the first Tuesday in November was chosen. As Congress must assemble every December, and the newly elected Congress cannot sit until March, the United States is governed between November and March of every presidential year by a President and Congress which may have been defeated at the polls.

VII

WASHINGTON AND THE NEW GOVERNMENT

1789

1. *The Prospect*

WITH their new constitution the Americans challenged their own future. It remained to be seen whether federal and republican government was workable on such a scale, whether local interests would not choke national sentiment, whether the political fabric had the strength to withstand war, or the elasticity for social and territorial growth.

The prospect seemed fair enough, outwardly, on that bright morning of 30 April 1789, when Washington, a picture of splendid manhood, stepped out onto the balcony overlooking Wall Street, New York, and took the oath: 'I do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.' A clean, new ship of State, under the old, tried master: what more could the patriot desire? Yet many of the commissioned officers were filled with anxious forebodings, and the master himself, on setting out from Mount Vernon to take command, wrote to his future Secretary of War:

'My movements to the chair of government will be accompanied by feelings not unlike those of a culprit, who is going to the place of his execution; so unwilling am I, in the evening of a life nearly consumed in public cares, to quit a peaceful abode for an ocean of difficulties, without that competency of political skill, abilities, and inclination, which are necessary to manage the helm. I am sensible that I am embarking the voice of the people, and a good name of my own, on this voyage; but what returns will be made for them, Heaven alone can foretell. Integrity and firmness are all I can promise. These, be the

voyage long or short, shall never forsake me, although I may be deserted by all men.'

Let us consider the state of the country in 1789, and the nature of Washington's task. The new Constitution possessed neither tradition nor the backing of organized public opinion. The new government had to create its own machinery. Every revolutionary government of Europe has taken over a corps of functionaries, an administrative system, and a treasury : the American Confederation left nothing but a dozen clerks with their pay in arrears, an empty treasury, and a burden of debt. There were no taxes or requisitions coming in, and no machinery for collecting taxes existed. The new Congress quickly imposed a customs tariff ; but months elapsed before an administration could be created to collect it, in a loose-jointed country two thousand miles long. Until a federal judiciary could be established, there was no means of enforcing any law. The country itself was just beginning to experience the return of prosperity ; but free capital was exceedingly scarce ; and Washington, reputed the wealthiest of Americans, had to borrow six hundred pounds from a friend in order to meet the expense of his removal to New York.

Although the Confederation had established a decimal system based on the Spanish dollar, it had as yet coined nothing but copper cents ; and its paper money had gone the way that the rouble and the mark have since followed. There were only three American banks ; and their notes, like state currency, had merely a local circulation. The easiest way to send money from New York to Philadelphia was by exchange on London. Among the people, peasant prejudice against taxation had been strengthened by a revolution in which ' no taxation ' had been the party cry. The Federal Government might have the right to tax—but dared it attempt what Parliament had failed to achieve ? How

national credit could be established on a basis such as this, passed all understanding, save that of Alexander Hamilton.

Nor could it even be said that Washington was President of a united country. North Carolina had not ratified the Constitution, and Rhode Island declared she never would do so. Rhode Island, if you please, was the United States; the rest were illegal seceders! Vermont was actually treating at London for recognition as an independent State. England and Spain, as we have seen, controlled spheres of influence on United States territory. A secession movement in the West threatened to split the Union along the crest of the Appalachians. The American army consisted of 672 officers and men; the navy had ceased to exist.

Fortunately, there were saving elements in the situation. In 1789 economic conditions were vastly improved over the panic year of 1786; and by 1790 a time of easy money had returned. Virginia and the Carolinas had recovered their pre-war volume of exports in tobacco, naval stores, and rice. Poor crops in France gave a better market for the corn of the middle States. The West India trade, mainstay of New England, was doing service once more by 1789. Jamaicans and Barbadians, hampered by the British regulations that lessened their supply of provisions from the northern States, were helping Yankee shipmasters to smuggle. New markets had been discovered. Northern shipowners, with specie borrowed from English merchant-bankers, were driving a roaring trade in Calcutta and Canton, where the number of American entries, in 1789, was second only to those flying the British flag. All this had been effected by good fortune, enterprise, and individual energy, before the new government came into operation, but the Federalists were quick to claim credit for the tide on which their ship was launched.

The Federal Government could count on a good

press, and a favourably expectant public opinion. Not that there was any enthusiasm for the Constitution, even among its advocates. Washington, indeed, considered it a hopeful experiment, a 'standard to which the wise and honest might repair', and Madison was pleased with what was chiefly his handiwork; but Hamilton, in his more cheerful moments, regarded it as a makeshift; and, in bad humour, as a 'frail and worthless fabric'. Few believed it would outlast their generation.[1] Every Federalist, however, was determined to do his best for the Constitution, as the sole alternative to anarchy; and the same attitude, to their lasting credit, was taken by the Anti-federalists. Patrick Henry declared, when he recognized his defeat in the Virginia Convention: 'I will be a peaceable citizen. My head, my hand, and my heart, shall be at liberty to retrieve the loss of liberty, and remove the defects of that system in a constitutional way.' His party throughout the union showed the same fine spirit of fair play. There was no boggling at oaths of office; no looking backward at the Confederation, or sullen withdrawal by the defeated minority—if indeed it was a minority. Consequently the Federalists had not to reckon with an irreconcilable party: the Constitution had no implacable enemies. No other fact so well attests the political maturity of the American people in 1789.

A federal Bill of Rights, promptly passed by Congress, and ratified by the States, quieted some honest fears of tyranny; but the anti-federalist type of mind persisted. The habit of considering a government dangerous in direct ratio to its effectiveness was too

[1] John Adams wrote Richard Price in 1790: 'Our new Government is an attempt to divide a sovereignty; a fresh essay at *imperium in imperio*. It cannot, therefore, be expected to be very stable or very firm. It will prevent us for a time from drawing our swords upon each other, and when it will do this no longer, we must call a new Convention to reform it.' *Works*, ix. 564.

ingrained to disappear in a decade, or even in a century. Less than three years elapsed before many of the Anti-federalists were again found in opposition ; but it was a constitutional opposition.

The Federal Constitution was so flexible and open to varied interpretation that the solution of those difficulties it had been created to overcome depended more upon the precedents created, the traditions inaugurated, and the policy followed during the ensuing years, than upon the actual words of the document. Gouverneur Morris wrote wisely when urging Washington to accept the Presidency :

' To continue a well poised political mechanism is the task of no common workman ; but to set it in motion requires still greater qualities.' When once agoing it will proceed a long time from the original impulse. . . . No constitution is the same on paper and in life. The exercise of authority depends on personal character. . . . Your cool, steady temper is *indispensably necessary* to give firm and manly tone to the new government.'

2. *Pater Patriae*

Washington accepted the Presidency with great reluctance. It had been his hope and wish to spend the remainder of his days at Mount Vernon—not as a simple Virginia gentleman, for Washington was more than that ; but as another Coke of Norfolk, improving American husbandry by experiment and example. Washington studied Tull's *Husbandry* and Home's *Gentleman Farmer*, corresponded with Sir John Sinclair and Arthur Young, imported improved implements, and applied their new methods. Tobacco culture, which had exhausted the soil of tide-water Virginia, was relinquished at Mount Vernon as early as 1765, wheat, flax, and root-crops were substituted for maize, pasturage was increased, a five-year rotation of crops adopted, and sheep folded on turnips or clover.

Yet, English in origin as these methods were, we

must efface our conception of an English estate in order to envisage Washington at home. We must wipe out of the picture the Squire, the Vicar, and Hodge, formal gardens and fat cattle grazing in hedge-enclosed pastures, villages with thatched cottages and old women bobbing at the doors. It would be better to start with the conception of a Roman *latifundium*, cultivated by a careful proprietor. Mount Vernon was a self-contained principality, stretching ten miles along the broad Potomac, containing twenty-five hundred acres as Washington inherited it, and eight thousand at his death. An improving landlord of England might have envied Washington his labour force of over two hundred negro slaves, but their improvidence, petty thieving, and need of constant supervision would have driven the Englishman crazy. The Mount Vernon estate—thirty-five hundred acres of it under cultivation—was divided by tracts of woodland into separate farms, each with its own complement of slaves living in log cabins, and an overseer, who must report weekly how each hand had been employed. There were great wooden barns, with cow stables and spacious threshing-floors. The pastures, enclosed by worm fences, produced a thin, poor turf in that land of hot, dry summers. Brood-mares and blood-stallions occupied the best watered of them. Royal Gift, a fifteen-hand jackass presented by His Catholic Majesty, had a special paddock and sable groom, as befitted the ancestor of the American army mule. The cattle were undersized and of low breed; the swine ran at large through the woodlands, affording illicit sport for a pack of French boar-hounds, an unwelcome gift from Lafayette.

Mount Vernon was an industrial as well as an agricultural unit. There were slave blacksmiths, carpenters, and even bricklayers; a cider press and a still-house, where excellent corn and rye whisky was made, and sold in barrels made by the plantation negroes from

plantation oak. Herring and shad-fisheries in the Potomac provided food for the slaves; a grist-mill turned Washington's improved strain of wheat into the finest grade of flour, which was taken to market in his own schooner. There was a weaving-shed, where a dozen different textiles were produced from local wool and flax, and West India cotton. We may picture Washington rising at sunrise, breakfasting at seven, and superintending from the saddle the work on his several farms, frequently dismounting and stripping his coat to demonstrate with his strong back and large, capable hands how things should be done. His good lady, in the meantime, would be directing the work of a large force of household slaves, and helping to cut and piece home-woven cloth for the negroes. Dinner at three ended the day's work in the field; but there were usually accounts and problems enough to occupy the master until supper.

For recreation there was fox-hunting with his own and his neighbours' packs; taking toll of the great flights of wild duck, goose, and pigeon; dancing assemblies at the county town. A constant stream of relations and friends flowed through the mansion house, which would have been considered modest and old-fashioned in Georgian England.[1] Few distinguished travellers came South unprovided with a letter to the great man, and no gentleman was turned away from his door. The guests, in fact, ate up most of the increase not consumed by the slaves, whose children Washington was too humane to sell away from their parents.

This was the life that Washington loved, and in which he hoped to spend his declining years. No detail was too small for his attention, no slave too humble to escape his interest, no blight too devastating to exhaust his patience. Even on his campaigns, and in the presi-

[1] A Wellesley-Pole thought Mt. Vernon a 'very bad, low' house in 1816. J. Bagot, *Canning and his Friends*, ii. 25.

dency, he would write sixteen-page letters of instruction to his overseers; and one suspects that, like Sir Robert Walpole, he read their reports before he turned to the affairs of State. 'The more I am acquainted with agricultural affairs, the better I am pleased with them,' he wrote to Arthur Young in 1788. 'How much more delightful . . . is the task of making improvements in the earth than all the vain glory which can be acquired from ravaging it by the most uninterrupted career of conquests.'

The qualities that made Washington the first farmer and the first soldier in America also made him the first statesman. As landed proprietor no less than as commander-in-chief, he had shown executive ability, the power of planning for a distant end, and a capacity for taking infinite pains. Neither drought nor defeat, nor, as it proved, political abuse, could turn him from a course that he discerned to be proper and right. In describing himself as one who inherited 'inferior endowments from nature' Washington was too modest; but we shall underestimate the difficulties of his task if we forget that his superiority lay in character, not in talents. He had the power of inspiring respect and trust, but not the gift of popularity; directness but not adroitness; fortitude rather than flexibility; the power to think things through, not quick perception; a natural presence and dignity, but none of that brisk assertiveness that has often given inferior men greater political influence. The mask of dignity and reserve that concealed his inner life came from shyness, humility, and stern self-control. A warm heart was revealed in numerous kindly acts to his dependants and subordinates. And beneath the cool surface of him there glowed a fire that under provocation would burst forth in immoderate laughter, astounding oaths, or Olympian anger.

Virginian aristocrat that he was, in the proper sense of that much abused word, the varied contacts of army

life had given Washington a knowledge such as few statesmen have possessed of that strange being, *homo sapiens Americanus*, with his odd mixture of ideals and appetites, principles and prejudices, kindliness and savagery, individuality and clannishness, nationalism and parochialism.

3. *The Federal Government*

The Federal Government was not only limited in scope by defined and delegated powers; action even within its proper sphere was hampered by the device of 'checks and balances'. Yet, however anxious the 'Fathers' might be to prevent bad legislation, their chief point in establishing a new constitution was to enable the nation to get things done. For this, not only ample federal powers, but leadership was necessary; and leadership in policy was expected to be one of the functions of the President. It was impossible to write this desire into the Constitution itself. An attempt to define the Presidency as Roosevelt and Wilson administered it would have been considered plain tyranny in 1788. As it was, the four-year term seemed 'squinting at monarchy' to suspicious souls. The Presidency was left purposely vague in its relation to Congress, and with such executive departments as Congress might establish. Hence the personality of the first President would largely determine the scope of his office.

Washington's character and prestige counted even in the organization of the Government. The heads of departments had to be appointed by the President with the consent of the Senate. Congress,[1] however, would only have followed colonial usage, if, in organizing the departments, it had made their heads responsible to

[1] The term Congress, synonymous in common usage with the House of Representatives, is here used only in its proper constitutional sense of both Houses; but 'congressman' will be understood as a member of the Lower House.

itself, and removable by the Senate. Instead, it made the Secretaries of State [1] and of War responsible to the President alone, and subject to his direction within their legal competence. Moreover, when the first question of dismissal from office came up, the Senate admitted that the President could remove officials without its consent. The effect of this precedent was to make the entire administrative force and diplomatic service responsible to the chief executive, as he, by his independent tenure, was responsible to the people.

For heads of the three departments, there was not a large field of choice, as the Confederation had given small scope for civil administration. As Secretary of State some one with diplomatic experience was needed. Franklin was too old and feeble, John Adams and John Jay were otherwise occupied, so the choice fell on Thomas Jefferson, then minister to France. Robert Morris suggested Alexander Hamilton for the Treasury, which fell in perfectly with Washington's inclinations. General Knox, Washington's chief of artillery, was given the War Department, and Edmund Randolph, whose term as governor of Virginia had expired, was appointed Attorney-General.

The making of minor appointments turned out to be, as Washington feared, the ' most difficult and delicate part of his duty '. He deemed it necessary to reward war service, to conciliate factions, and to avoid any suspicion of personal or sectional partiality. Washington scrutinized applications most conscientiously, asking the advice of senators and representatives from the applicant's state, and sought out able men where none

[1] The Department of State was so called because its original attributions included not only foreign affairs, but charge of the Great Seal, publication of laws, and other functions now distributed among new departments. The Secretary of State was intended to be a sort of first officer under the President, corresponding to the principal Secretary of State in the English Government.

applied. The federal civil service began with principles of efficiency and honesty that were in sharp contrast to the jobbery and corruption in contemporary European governments, and in several of the state governments.

A Vice-President was created by the Federal Constitution in order to provide an acting chief magistrate in the event of the death or disability of the President, without the need of a special election. In order to give him some regular occupation, he was made President of the Senate, with a casting vote in case of tie. John Adams, the first Vice-President, regarded his office as 'the most insignificant . . . that ever the invention of man contrived, or his imagination conceived'.[1] Adams suffered all his life from the notion that he was not properly appreciated. A sound political scientist, and a useful drafter of state constitutions, he had a foible for titles and flummery. But his efforts to introduce the elaborate ceremonial of the Mother of Parliaments met with no success. Senator Maclay of Pennsylvania was profoundly shocked at Adams's reference to the President's inaugural address as 'His Most Gracious Speech', and reminded the Senate that the removal of royal trappings was an object of the Revolution.

'Mr. Adams rose in his chair and expressed the greatest surprise that anything should be objected to on account of its being taken from the practice of that government under which we had lived so long and happily formerly; that he was for a dignified and respectable government . . . that for his part he was one of the first in the late contest, and if he could have thought of this, he never would have drawn his sword.'[2]

A good example of the 'infirmities of temper and habits

[1] *Works*, i. 460.

[2] *Journal of William Maclay*, p. 10. Later a committee of the Senate reported that the President should be addressed as 'His Highness the President of the United States of America and the Protector of the Rights of the same'. A House committee refused to agree; and Washington and his successors have remained plain 'Mr. President'.

of expression' that prevented more than one summons to a cabinet meeting being issued to John Adams.[1]

Although most of the first Senators were friends to the administration, their chamber early developed that *esprit de corps* which has been the bane of wilful presidents. 'Senatorial courtesy', the practice of rejecting any nomination not approved by the senators from the nominee's own State, soon began. In the matter of treaties, however, the Senate's sense of its own dignity defeated its ambition. The Constitution grants the President power, 'by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur.' On one memorable occasion Washington appeared before the Senate, like the Secretary for Foreign Affairs in the House of Commons, to explain an Indian treaty and see it through. Hampered in its freedom of debate by the august presence, the Upper House voted to refer the papers in question to a select committee. The President 'started up in a violent fret'. 'This defeats every purpose of my coming here,' he said.[2] On two other occasions Washington sent down a message requesting senatorial advice on a current negotiation, but in later and more important negotiations he dispensed with advice until a treaty was ready for ratification. This practice has generally been followed by his successors.

'Impressed with a conviction that the due administration of justice is the firmest pillar of good government,' wrote Washington in 1789, 'I have considered the first arrangement of the judicial department as essential to the happiness of our country and the stability of its political system.' The Constitution left this branch of government as inchoate as the others. The scope of federal judicial power was defined, the mode of

[1] The invitation was not extended to any of his successors until 1921. *Amer. Hist. Rev.*, xxix. 496–500.

[2] *Journal of Maclay*, p. 131.

appointing judges was determined, and their tenure fixed during good behaviour. But it remained for Congress to create and organize the inferior federal courts, to determine their procedure, and to provide a bridge between state and federal jurisdiction.

All this was done by the Judiciary Act of 24 September 1789, the better part of which is still in force today. It provided for a Supreme Court consisting of the Chief Justice and five associates, for thirteen district courts, and three circuit courts. The great problem of getting cases that involved jurisdictional disputes out of the state courts and into federal courts, in order that the Constitution, laws, and treaties of the United States might indeed be 'the supreme law of the land', was solved in the twenty-fifth section of this Act. A final judgement in the highest court of a State, in any case involving a conflict between federal and state powers, may be re-examined in the Supreme Court of the United States upon a writ of error. This section is quite as essential to the peaceful working of the federal system as the Constitution itself. Without it, every state judiciary could put its own construction on the Constitution, laws, and treaties of the Union. A case involving constitutional law may originate either in the state or the lower federal courts; but its final determination belongs to the Supreme Court of the United States.

John Jay was appointed Chief Justice by Washington; and on 2 February 1790 the Supreme Court began its first session, at New York. The judges assumed gowns of black and scarlet, but honoured Jefferson's appeal to 'discard the monstrous wig which makes the English judges look like rats peeping through bunches of oakum'. Under Chief Justice Jay the federal judiciary assumed its place as the keystone to the federal arch. As early as 1791, in a case involving British debts, one of the circuit courts declared invalid a law of Connecticut

which infringed Article VI of the treaty of peace. In 1792 a state law of Rhode Island was held unconstitutional, as impairing the obligation of contracts. The same year another circuit court refused to execute an Act of Congress that required the federal courts to pass on pension claims, on the ground that it was a non-judicial function, beyond the constitutional power of Congress to impose, or of the courts to assert. Thus the power of judicial review over both state and federal laws was asserted during Washington's first administration. Later, when party and sectional interests perceived the implications of it, judicial review was vehemently attacked behind the cover of state rights and democracy; but in the early years of the Republic it went almost unchallenged.

Washington was unwilling to come to any vital decision without taking the advice of people in whom he had confidence. Hence the American Cabinet, a body quite different in origin and in functions from the British Cabinet. There had been much talk in the Federal Convention of providing the President with a privy council, but the project was not developed: the Senate was given a check on the appointing and treaty-making powers; but it was expected that the President would call upon such heads of departments as Congress might create, for informal consultation;[1] and that is

[1] Farrand, *Records*, iii. 111. George Mason, in his pamphlet against the Constitution, wrote:

'The President of the United States has no constitutional council, a thing unknown in any safe and regular government. He will therefore be unsupported by proper information and advice, and will generally be directed by minions and favorites; or he will become a tool to the Senate; or a council of state will grow out of the principal officers of the great departments—the worst and most dangerous of all ingredients for such a council, in a free country; for they may be induced to join in any dangerous or oppressive measures, to shelter themselves, and prevent an inquiry into their own misconduct in office.' *Ibid.*, ii. 638.

exactly what he did. In 1793 we find some forty-six meetings of the Secretaries of State, of War, of the Treasury, and the Attorney-General, at the President's house. These officials were already known collectively as the President's cabinet; but not until 1907 was the cabinet officially recognized as such by law. It is most important to keep in mind that members of the American Cabinet have no seats in Congress, and that they are appointed and removed by the President, to whom they are individually responsible.

This lack of co-ordination between executive and legislature is one of the distinctive and less useful features of American government. Colonial in its origin, the practice received the sanction of theory from Montesquieu's brilliant misconception; it was also a reaction from George the Third's close relations with an unreformed House of Commons. The Federal Constitution guarded against executive control through 'placemen', by disqualifying federal officials, whether civil or military, for membership in either House; and by forbidding the appointment of members during the term of their election to an office created, or increased in profit, during that term. There was nothing, however, to prevent a cabinet official appearing in person before either House. The clause requiring the President to recommend measures to Congress reflected a desire that the executive should take the lead in legislation; that President and his heads of departments should occupy a position similar to 'the Government' in England.

Washington had not the temperament to do this alone. He wanted some young and energetic man to give the impulse, and attend to his relations with the legislature. Fortunately the right man, Alexander Hamilton, was in the right office, the Treasury. For the primary problems of Washington's first administration were fiscal.

VIII

ENTER HAMILTON

1789–1790

1. *A Philosophy of Self-Interest*

IF the character of Washington fortified the new government, the genius of Hamilton enabled it to function successfully. As Henry Adams wrote, he ' had at once the breadth of mind to grapple with the machine of government as a whole ', the practical knowledge to find ways and means, and ' the good fortune to enjoy power when government was still plastic and capable of receiving a new impulse '.

Alexander Hamilton was thirty-two years old in 1789 when Washington appointed him Secretary of the Treasury. No American equalled him in administrative genius ; few surpassed him in maturity of judgement. As an undergraduate of seventeen he had brilliantly defended the rights of the colonists. At twenty he had earned a place on Washington's staff. In his twenty-fifth year he indicated the fatal defects of the Confederation, wrote a remarkable treatise on public finance, and commanded the storming-party at Yorktown. Admitted to the New York bar at the conclusion of peace, he quickly rose to eminence in the law. With Madison he dominated the convention at Annapolis ; in the Federal Convention he played a striking though hardly a useful part. His contributions to *The Federalist* helped to obtain the ratification of a constitution in which he did not strongly believe. One of the greatest of Americans, he was the least American of his contemporaries : a statesman rather of the type of Colbert, whose innate love of order and system was strengthened by the lack of those qualities among his slack, turbulent, and suspicious fellow

citizens. Disciplined himself, Hamilton was eager to discipline his countrymen. He had bold plans and definite policies where others had cautious notions and vague principles. When Congress was thinking of what the people would say, Hamilton told them and the people what they ought to do.

The Treasury Department was the creation of Congress, not of the Constitution; and the organic Act of 1789, still in force, was framed with the intent of making the Secretary responsible to the House.[1] Fortunately the same members who feared executive power also disliked select committees. Hence all financial questions, even routine matters such as petitions, were referred to the Secretary of the Treasury. Hamilton, quick to perceive the opening, acquired a quasi-ministerial lead in legislation which might have developed into a parliamentary system, had he possessed more tact and patience. On his retirement in 1795, the House seized the opportunity to create a ways and means committee, which gradually assumed the initiative in questions of supply.[2] In 1797 we find a leading Federalist complaining that the heads of departments, 'instead of being the ministry, the organs of the executive power, and imparting a kind of momentum to the operation of the laws,' have become head clerks. Hence 'the efficiency of the government is reduced to its

[1] The first draft of the bill authorized the Secretary to 'digest and report plans for the improvement and management of the revenue'. This was struck out, primarily on the ground that it might admit the Secretary to the privilege of the floor, 'create an undue influence,' and establish a parliamentary government in place of the separation of powers. The Act merely permits him to report 'estimates' of the public revenue and expenditure, and to give information 'in person or in writing . . . respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office, and generally to perform all such duties relative to the finance as he shall be directed to perform'.

[2] See R. V. Harlow's admirable study of *Legislative Methods before 1825* (Yale Univ. Press, 1917).

minimum, the proneness of a popular body to usurpation is already advancing to its maximum ; committees already are the ministers . . . our government will be, in fact, a mere democracy, which has never been tolerable nor long tolerated '.[1] But while Hamilton was in office, the initiative in all financial matters was in his hands.

Hamilton's financial policy was determined by his conception of the governmental problem in 1789 ; and that, in turn, by his political philosophy. The key may be found in his speeches in the Federal Convention, a transatlantic echo of Hobbes.

' Take mankind as they are, and what are they governed by ? Their passions. . . . One great error is that we suppose mankind more honest than they are. Our prevailing passions are ambition and interest ; and it will ever be the duty of a wise government to avail itself of those passions in order to make them subservient to the public good. . . . All communities divide themselves into the few and the many. The first are the rich and well-born ; the other the mass of the people . . . turbulent and changing, they seldom judge or determine right. Give therefore to the first class a distinct, permanent share in the Government.' [2]

The Federal Constitution left too many powers to the States and too much control to the people. It could only be made an instrument for good and a guarantee of order by ' increasing the number of ligaments between the government and interests of individuals '.[3] The old families, merchant-shipowners, public creditors, and financiers—in other words the Federalists who had procured the Constitution—must be welded into a loyal governing class, by a straightforward policy favouring their interests. That was the object of Hamilton's domestic and foreign policy.

An economic determinist would say that Hamilton

[1] Fisher Ames to Hamilton, 26 January 1797. Hamilton, *Works* (1851), vi. 201.

[2] Morison, *S. & D.*, pp. 259, 262.

[3] Report of 1795 on the Funding System, *Works* (1886), vii. 462.

aimed to use the Federal Government to strengthen a class. That is what he accomplished; but his purpose was to use a class in order to strengthen the Federal Government. Instead of his political policy having an economic object, his economic policy had a political object. As Thomas Cromwell fortified the Tudor monarchy by distributing confiscated land and as Bonaparte promoted his own fortune by the Concordat, so Hamilton would clothe the Constitution with the sword of sovereignty and the armour of loyalty, by giving definite individuals a distinct interest in its permanence.

2. *Brilliant Finance*

In September 1789, ten days after he took office, the House of Representatives called upon Hamilton to prepare and report a plan for the 'adequate support of public credit'. The report was laid before the House at its next session, on 14 January 1790. Based on the tried expedients of English finance, it was worthy of an experienced minister of a long-established government.[1]

Hamilton first laid down principles of public economy, and then adduced arguments in support of them. America must have credit for government, industrial development, and commercial activity. Her future credit would depend on how she met her present obligations. The United States debt, foreign and domestic, 'was the price of liberty. The faith of America has been repeatedly pledged for it. . . . Among ourselves, the most enlightened friends of good government are those whose expectations [of prompt payment] are the highest. To justify and preserve their confidence; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its due value; to furnish new resources, both to agriculture and commerce; to cement more

[1] The text of Hamilton's reports may be found in any collected edition of his writings; but the statistics and schedules submitted with them are printed only in *American State Papers, Finance*. A good abstract may be found in Macdonald, *S. D.*, pp. 46–58.

closely the Union of the States; to add to their security against foreign attack; to establish public order on the basis of an upright and liberal policy; these are the great and invaluable ends to be secured by a proper and adequate provision, at the present period, for the support of public credit.'

Precise recommendations of ways and means ensued. The foreign debt and floating domestic debt, with arrears of interest, should be funded at par, and due provision should be made by import duties and excise taxes to provide interest and amortization. The war debts of the States should be assumed by the Federal Government in order to bind their creditors to the national interest. A sinking fund should be created, on the model of Pitt's Act of 1786, in order to stabilize the price of government securities and prepare for repayment of the principal. The want of banking facilities should be filled by a Bank of the United States, on the model of the Bank of England, but with the right to establish branches in different parts of the country. A federal charter would of course be necessary, to protect the bank from unfriendly state legislation.

This daring policy could not have been carried out by Hamilton alone. Every proposal was matured by the cool judgement of the President; and in House and Senate he found eager co-operation. Congress passed a customs tariff, with tonnage duties discriminating in favour of American shipping—both essential parts of Hamilton's system—before Hamilton took office; and his other projects were altered and in some respects improved in the process of legislation. The foreign and domestic debt was funded at par; the former was entirely paid off by the end of 1795, the latter in 1817. Most of the debts of the States were assumed by Congress, after a bitter struggle not unmixed with intrigue. The Bank of the United States was chartered, and its capital subscribed in four hours after the books were open. By August 1791 United

States six per cents were selling above par in London and Amsterdam; and a wave of development and speculation had begun.

All Hamilton's immediate plans were adopted. He turned dead paper into marketable securities, and provided for their redemption by taxes that the nation was well able to bear. He set standards of honesty and punctuality that were invaluable for a people of crude financial conceptions. His youthful country, so lately on the verge of bankruptcy, acquired a credit such as few of the nations of Europe enjoyed. Yet Hamilton failed to achieve his ultimate end of consolidating the Union. If he created an interested government party, his measures encountered a dangerous opposition. Instead of attaching new interests to the Federal Government, he endowed with new privileges those who were already attached to it. His measure of financial corn tempted only those horses in the paddock that had tasted corn; when Jefferson turned them out to grass, they threatened to jump the hedge into John Bull's cornfield.

3. *The Sectional Test: Massachusetts and Virginia*

To understand where and why Hamilton failed, we have only to glance at the effect of his measures on two commonwealths: Massachusetts and Virginia. From the earliest colonial times to 1865, these States illustrate the contrast of North and South. Massachusetts, as we have seen, was the second State of the Union in population. Her premier interests were maritime; her upper class, composed of shipowning merchants, plumped for the new Constitution, in the hope of substantial benefits, which Hamilton and Congress accorded. Her fishing villages benefited by the new bounties on dried codfish; her foreign trade and shipyards by the low tariff, and the discriminating tonnage duties. Good business men themselves, the merchants knew the value

of sound credit and honest finance. Their war-time gains from privateering and profiteering were largely invested in government paper, worthless but for the funding system. Massachusetts, with the largest war debt of any State, gained most from the assumption of state debts by the Federal Government. Maritime prosperity, percolating from the market towns to the interior, raised the price of country produce, and healed the wounds of Shays's rebellion. Washington's foreign policy completed the process; and Boston, once the home of radical mobs and loud-mouthed demagogues, became a pocket borough of the new Federalist party. The 'Essex junto'[1] of Massachusetts: Cabots, Higginsons, Lowells, and Jacksons, who had been to sea in their youth and viewed politics as from a quarter-deck, hailed Hamilton as their master, and kept his flag flying in the Bay State long after his death. With them, in general, were the solid men of Rhode Island and Connecticut, of New York City, and the seaports south of it. But the great mass of the American people was untouched, either in imagination or in pocket, by Hamilton's policy. It would have been otherwise had the public debt remained in the hands of its original possessors; but the phenomena incident to falling prices had appeared. Farmers, discharged soldiers, petty shopkeepers and the like who held government securities representing services rendered, goods supplied, or money advanced during the war, had been forced to part with them at a ruinous discount during the hard times that followed. By 1789 the bulk of the public debt was in the hands of the 'right people' at Philadelphia, New York, Boston; and the nation was taxed to pay them at par, for what they had purchased at a few shillings in the pound.[2]

[1] So called from Essex County, where most of them originated.

[2] In 1795 the Federal Government disbursed $309,500 in interest to citizens of Massachusetts, as against $62,300 to natives of Virginia; $367,000 to New York, as against $6,800 to Georgia.

By the same economic test, a system that appeared sound and statesmanlike in Massachusetts seemed unwarranted and unconstitutional in Virginia. The Old Dominion was the most populous State in the Union, and easily the proudest. Only by the narrowest margin had she ratified the Federal Constitution, on the understanding that her status would still be sovereign. Although well provided with a long sea frontage on Chesapeake Bay, Virginia owned not a single topsail vessel; Yankees and foreigners carried her corn and tobacco to market. With feudal disdain, the planters allowed their profits to be absorbed by Scots factors, agents of mercantile houses in Glasgow, Bristol, and London, who advanced supplies and luxuries at exorbitant prices against future deliveries of leaf tobacco.

The Virginia planters knew little of business, and less of finance. A gentleman inherited his debts with his plantation, and not infrequently bequeathed them to his eldest son; why then should debt trouble the United States? Why not pay it off at market value, as a gentleman compounds with his creditors? Virginians had sold their government paper at anything above three shillings in the pound. Why should they be taxed to pay a Boston profiteer twenty shillings in the pound? Virginia had wiped off the larger part of her state debt; why should she be taxed to assume the debts of other States? Towards Hamilton's Bank of the United States, the opposition of the Virginia planters was just as natural and spontaneous as that of the English Tories, a century before, towards the Bank of England.[1] But

[1] 'The country gentry detested an agency which would raise the fortunes of moneyed men and depress, as they alleged, the market for land. For months they played with the rival notion of a Land Bank.' K. Feiling, *History of the Tory Party, 1640–1714*, p. 308. If the Virginians failed to carry the parallel to the extent of advocating a land bank, it was because Massachusetts in 1740 and Rhode Island in 1786 had demonstrated the unsoundness of that device; but the frontier democracy of the next generation tried the same thing, under a different name.

their opposition was justified by a very different school of political theory from that which had comforted the Tories. The Virginians cut their teeth on Harington, grew up with Cicero's *De Republica*, and transferred their loyalty from George III to an abstract conception of pure republicanism, on the early Roman model. For such men, the confusing paraphernalia of Hamilton meant colossal taxation as in England, jobbery and corruption as in England, perhaps monarchy as in England.

Patrick Henry, who a quarter-century before wrote the Virginia resolves, drafted a remonstrance against the federal assumption of state debts which the Virginia Assembly adopted. Therein, on 23 December 1790 were expressed the misgivings of plain folk throughout the country, as well as those of the Virginia gentry. '*Republican* policy, in the opinion of your memoralists, could scarcely have suggested' the assumption.

'On the contrary, they discern a striking resemblance between this system and that which was introduced into England, at the Revolution, a system which has perpetuated upon that nation an enormous debt, and has moreover insinuated into the hands of the executive an unbounded influence, which pervading every branch of the government, bears down all opposition, and daily threatens the destruction of everything that appertains to English liberty. The same causes produce the same effects! In an agricultural country like this, therefore to erect, and concentrate, and perpetuate a large monied interest, is a measure which your memorialists apprehend must in the course of human events produce one or other of two evils, the prostration of agriculture at the feet of commerce, or a change in the present form of federal government, fatal to the existence of American liberty. . . . Your memoralists can find no clause in the constitution authorizing Congress to assume the debts of the States!'

A vision of the Civil War flashed across Hamilton's brain as he read this remonstrance. 'This is the first symptom', he wrote, 'of a spirit which must either be killed, or will kill the Constitution of the United States.'

Hamilton was making new enemies to the administration. The Federalists of 1790 were no longer the Federalists of 1788. Of the eleven Virginia burgesses who reported this remonstrance, seven had supported the Federal Constitution in the state ratifying convention. But Virginia could hardly form an opposition party without aid from some of her citizens who were highly placed in the Federal Government. Washington, national in his outlook, and convinced that Hamilton's policy was honest and right, signed every bill based on his recommendations. Richard Henry Lee, in 1788 elected to the Senate as an anti-federalist, became a convert to Hamilton's views. Thomas Jefferson, Secretary of State, and James Madison, leader of the House, wavered—but found the Virginia candle stronger than the Hamiltonian star.

The breach between Jefferson and Hamilton was not personal. The Republican and Federalist parties were in no sense the projections of rival personalities; and only in a limited sense were they a division between democracy and aristocracy, or between radicalism and conservatism.[1] They were the political expressions of a deep-lying antagonism between two great American interests—the planting-slaveholding interest, typified by Virginia; and the mercantile-shipping-financial interest, typified by Massachusetts. These interests preceded Hamilton and Jefferson by a century. In the Federal Government they found a stake worth fighting for; and in Hamilton and Jefferson they found natural leaders. American political history until 1865 is largely the story of these rival interests, capitalist and agrarian,

[1] Using the ordinary political connotation, one would say that Hamilton was the conservative and Jefferson the radical; but it is equally true that Hamilton, by using the Federal Constitution to initiate a bold programme of innovation, alienated those who had accepted the Constitution somewhat timorously, and desired no radical change in financial policy.

Northern and Southern, contending for the control of the Federal Government—using that government to help themselves and starve their rivals, undermining each other's vote, interfering with each other's labour, bidding for western support, gambling with petty wars, and finally staking everything on civil war. Principle also divided the parties, particularly in their infancy; but principles were both changed and exchanged, whilst Massachusetts and Virginia remained the intellectual, after they ceased to be the economic, nuclei of the two systems. Even in 1924 it was no accident that the two principal candidates for the Presidency were Calvin Coolidge of Massachusetts, and John W. Davis of West Virginia.

IX

RISE OF AN OPPOSITION

1789–92

1. *Thomas Jefferson*

WHEN Thomas Jefferson returned to Virginia in November 1789, he was surprised to learn of his nomination to the State Department. Only Washington's urgent request, and permission to pass the winter at Monticello before taking office, induced him to accept. It was even arranged that his private secretary be made chargé d'affaires at Paris, in order to keep the legation warm against his expected return. Ambition to found a political party was remote from Jefferson's mind. 'If I could not go to heaven but with a party, I would not go there at all,' he wrote that year. Yet his name and reputation are indissolubly bound up with the party that he was the first to lead.

Jefferson was fifteen years older than Hamilton, and much more experienced in administration. As the author of the Declaration of Independence and the *Notes on Virginia* he was famous in both continents. As representative of the United States in France, he became a sort of consulting attorney on revolution; while the National Assembly was in session at Versailles, Lafayette, Barnave, Lameth, and Mounier met at his dinner-table, and were surprised at his moderate advice; for Jefferson, despite his reputation as an ideologue, had an inductive rather than a deductive mind. A democrat in a country with a democratic social basis, he was not even republican in France. Science, literature, and the fine arts attracted Jefferson as much as they had Franklin; and he was easily the first American architect of his generation. In England the Adam country houses and formal gardens interested him more

than the British Constitution. His Virginia estate of Monticello, superbly situated on a hill-top facing the Blue Ridge, with a mansion designed by him though inspired by the Hôtel de Salm on the Quai d'Orsay, was admirable for its architecture and landscape gardening, as Mount Vernon for the efficient husbandry of Washington. His design for the quadrangle of the near-by University of Virginia reflects the classic inspiration of American democracy, as the college buildings of Oxford and Cambridge express the spirit of the Renaissance. Jefferson wrote upon Neo-Platonism, the pronunciation of Greek, the Anglo-Saxon language, the future of steam-engines, American archaeology, and controversial theology. But there was one subject on the practical side of which he was ignorant as any Virginian planter, yet self-confident as a French economist; and that was Hamilton's specialty, finance.

Hamilton's political theories had more validity for the future America than for the simple country with whose common mind and condition Jefferson's theories agreed. Yet if America outgrew Jefferson's principles, she is still indebted to them for whatever liberalism and idealism she has preserved in an industrial society. Hamilton wished to concentrate power; Jefferson to diffuse power. Hamilton feared anarchy and thought in terms of order, Jefferson feared tyranny and thought in terms of liberty. Hamilton believed republican government could only succeed if directed by a governing class; Jefferson that republicanism was hardly worth trying if not fused with democracy. Hamilton took the Hobbesean view of human nature; Jefferson, the hopeful view of Locke and the physiocrats. The people, according to him, were the safest and most virtuous, though not always the most wise, depository of power, and education would perfect their wisdom. Hamilton would diversify American economic life, encouraging shipping and creating manufactures by legis-

lative enactment; Jefferson would have America remain a nation of farmers. All those differences in temper, theory, and policy were bracketed by two opposed conceptions of what America was and might be. Jefferson inherited the idealistic conception of the new world to which Price and Turgot paid homage—an agrarian republic of mild laws and equal opportunity, asylum to the oppressed and beacon-light of freedom, renouncing wealth and commerce to preserve simplicity and equality. To Hamilton all this was sentimental and mischievous nonsense. Having assimilated the Whig traditions of the New York gentry into which he had married, Hamilton believed that the only choice for America lay between a stratified society on the English model and a squalid 'mobocracy'. Jefferson, who knew Europe, wished America to be as unlike it as possible; Hamilton, who had never left America, wished to make his country a new Europe.

Their appearance was as much of a contrast as their habits of mind. Hamilton's neat, lithe, dapper little figure, and general air of brisk energy, went with his tight, compact, disciplined brain, that could conceive a system, and carry it out relentlessly. Yet Hamilton's written style was heavy and often lifeless. Unlike Jefferson, he could not have composed a classic state paper such as the Declaration of Independence; yet Jefferson's mind in comparison was somewhat untidy, constantly gathering new facts and making fresh syntheses. 'His whole figure has a loose, shackling air,' wrote a friendly senator in 1790. 'I looked for gravity, but a laxity of manner seemed shed about him.' His discourse 'was loose and rambling and yet he scattered information wherever he went, and some even brilliant sentiments sparkled from him'.[1] His sandy complexion, hazel eyes, and ill-fitting, much-worn clothes, gave him the look of an indolent Scots laird; whilst Hamilton

[1] *Journal of William Maclay*, p. 272.

had the fair complexion, light hair, and personal charm of his French mother.

2. *The Breach with Hamilton*

Jefferson assumed his duties as Secretary of State in March 1790, when Hamilton's financial policy was well under way, and government circles were ringing with his praises. Their acquaintance was slight, apart from overlapping terms in the old Congress, and a friendly rivalry for the smiles of Angelica Church, the witty and beautiful sister of Mrs. Hamilton. Jealousy, however, was not one of Jefferson's many faults, and few statesmen were more generous to possible rivals. Considering his blood, his age, his experience, and his position as the premier officer of state, Jefferson must have regarded Hamilton as a bit of a thruster ; yet a Virginian planter could not be easy in the financial field.

Jefferson approved the payment of the domestic and foreign debt at par. He did not approve in principle the assumption of the state debts. But, as he wrote Monroe in June 1790, he saw ' the necessity of yielding to the cries of the creditors in certain parts of the Union for the sake of union ; and to save us from the greatest of all calamities, the total extinction of our credit in Europe '.[1] A few days after, according to Jefferson's own account, he arranged with Hamilton the famous bargain by which the federal capital was transferred from New York to Philadelphia for ten years, pending removal to the new federal city of Washington on the Potomac. Jefferson induced two Virginian congressmen to vote for assumption, and Hamilton rounded up Yankee votes for the Potomac. As late as November 1790 Jefferson regarded the pending Virginia remonstrance[2] as insincere, a mere after-clap of anti-federalism.

[1] Jefferson, *Writings* (1856 ed.), iii. 153. The bill had not yet passed, and Jefferson feared that if assumption were defeated the disappointed New Englanders could wreck the entire system.

[2] Above, p. 122.

If Jefferson later complained that in the assumption of state debts he had been duped into holding the candle for Hamilton, it was because later he imagined new implications in the matter. From the date of Hamilton's report recommending a national bank, on the model of the Bank of England (13 December 1790), Jefferson's attitude towards him and his policy began to change. To George Mason of Virginia, on 7 February 1791, he mentioned a 'sect' high in office who believed the British Constitution to be the goal of perfection; and intimated that Congress was under the control of 'stock-jobbers'.

Madison, principal architect of the Federal Constitution, and fellow author with Hamilton of *The Federalist*, opposed the bank bill in the House on the ground that the chartering of such an institution transcended the powers of Congress. (It has ever since been an American custom to denounce a bill one dislikes as 'unconstitutional'.) The President called for opinions on that point from his Cabinet. Jefferson, in a rather incoherent report that foreshadows the 'strict construction' school of interpretation, declared flatly that the bill was unconstitutional. According to him the congressional power 'to make all laws necessary and proper for carrying into execution' its delegated powers of taxation and the like did not include laws merely convenient for such purposes. A national bank was not strictly necessary—the existing state bank at Philadelphia could be used for government funds. It was a clear case for the presidential veto.

Hamilton replied with a nationalistic, 'loose-construction,' interpretation of the Constitution.

'Every power vested in a government is in its nature sovereign, and includes by force of the term, a right to employ all the means requisite . . . to the attainment of the ends of such power. . . . If the end be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that end,

and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority.'

Congress, he pointed out, had already acted upon that theory in providing lighthouses and buoys, necessary and proper to the regulation of commerce. A bank has a similar relation to the specified powers of collecting taxes, regulating trade, and paying the debt. This opinion satisfied Washington's scruples, so that he signed the bank bill; and it only needed the clarifying process of Chief Justice Marshall's brain to become the great opinion of 1819,[1] which read the doctrine of implied powers into the Constitution.

Jefferson was neither silenced nor convinced. The Federal Constitution, from his point of view and Madison's, was being perverted into a consolidated, national government. To what end? Before many months elapsed, the two Virginians thought they knew. Hamilton was simply juggling money out of the pockets of the poor into those of the rich, building up through financial favours a corrupt control of House and Senate; and 'the ultimate object of all this was to prepare the way for a change from the present republican form of government to that of monarchy, of which the English constitution is to be the model'.

That belief remained a fixed tenet of Jefferson for the rest of his life. Completely innocent as Hamilton was of any such intention, he had laid himself open to suspicion. For Hamilton 'was of all men the most indiscreet. He knew that a limited monarchy, even if established, could not preserve itself in this country . . . [yet] he never failed, on every occasion, to advocate the excellence of, and avow his attachment to, monarchical government.'[2] Like sentiments were common in Federalist circles, especially in New York and Phila-

[1] McCulloch *v.* Maryland, see below, Chapter XXIV.

[2] *Letters and Diary of Gouverneur Morris*, ii. 525, 526.

delphia society. Hamilton openly avowed his belief that corruption was a necessary engine of government. His financial projects were unnecessarily complicated—bewildering to Virginia planters; yet with the insolence of youth he declined to make necessary explanations. Jefferson had been sent about his business for inquiring into some of the operations of the sinking fund.

Virginian suspicions were deepened by the brisk speculation in lands, bank stock, and government funds that began in the year 1790. No sooner did Hamilton's financial reports come out, than Northern speculators began to comb the Southern hamlets for depreciated paper. Several of Hamilton's friends and subordinates were implicated in larger transactions of a shady character. William Duer, his first assistant secretary, and Henry Knox, the Secretary of War, floated a colossal speculation in wild lands. Duer and Macomb, an associate of Hamilton's father-in-law, formed a blind pool to speculate in government bonds: an operation which landed Duer in gaol, and produced a financial flurry in New York.[1] Hamilton sincerely deprecated all this, and his own hands were clean—but the speculators were very close to him.

Jefferson's opposition then was based partly on his Virginian prejudices, reinforced by agrarian theory; partly on a complete misapprehension of Hamilton's aims. Yet a complete understanding would not have won him over. Hamilton's ideal of a disciplined, powerful nation, with bondholders as loyal supporters, was no less disgusting to Jefferson than the spectacle of royal George and rotten boroughs. Hamilton's fear of

[1] Channing, *U. S.*, iv. 90–115. The movement had several points of contact with English finance. A very large share of United States bank stock and government bonds was disposed of in London. Alexander Baring and his younger brother, the sons of Sir Thomas Baring, married daughters of Senator Bingham of Pennsylvania, and lent large sums of money to him and to Knox for land speculations. Joel Barlow worked off worthless land titles for the same company in France.

political dissolution and social levelling seemed as fantastic to him as his own fear of monarchy to Hamilton.

Jefferson, however, did not create an opposition ; he joined and organized the elements of opposition. The antagonism of the northern mercantile and creditor elements to southern, agrarian, and debtor elements can be found in congressional debates before either Hamilton or Jefferson took office ; a full year before the Virginia remonstrance we have quoted. Hamilton had six months to organize his natural supporters before Jefferson appeared on the scene. If Hamilton was taking the country to the dogs, must not Jefferson lead it back? If the Treasury had its party, why not the Department of State?

3. *The Virginia–New York Alliance*

Political parties were in bad odour at the end of the eighteenth century. No provision for party government had been made in the Constitution, although parties or factions existed in all the States as in all the colonies. Ought Jefferson to resign from the Cabinet, leaving Hamilton in undisputed control? Was it proper for him openly to support opposition to a policy that Washington had accepted? The President, believing that every month and year the Constitution endured was so much gained in future stability, endeavoured to keep the smouldering fire from bursting forth. To Jefferson he preached charity and to Hamilton forbearance. Both were entreated to remain in office, and both consented. But Jefferson, believing Hamilton's policy to be dangerous, used every means short of open opposition to check it; whilst Hamilton spared no effort to thwart Jefferson, when his management of foreign affairs appeared to be mischievous. The conduct of neither man, in view of the unprecedented circumstances and the uncertain position of the Cabinet, can be called dishonourable.

Jefferson's first secret move towards 'showing up' Hamilton was to induce Philip Freneau, an impecunious poet who had been up at Princeton with Madison, to start an opposition newspaper at Philadelphia. Then, in the summer of 1791, Jefferson took Madison on what purported to be a botanizing excursion to the Hudson. It was *Clintonia borealis*, apparently, that they were in search of. New York politics, largely determined by family connexions and motived by the spoils of office, were divided into two factions, of which one was led by Governor George Clinton. His lieutenant, a distinguished army officer named Aaron Burr, had discovered the political value of a benevolent society called the 'Sons of St. Tammany'. Opposed to them was the old aristocratic or Episcopalian faction: the De Lanceys, Van Rensselaers, and Schuylers, into which Alexander Hamilton had married.

The Clintons were practical politicians. George, by catering to the small holders of confiscated Tory estates, had ridden the crest of the wave. In 1788, like most leaders in state politics, he opposed the Federal Constitution. Hamilton had defeated him on this point; and Hamilton procured the federal appointments in New York State for his 'aristocratic' friends. The Clintons and the Livingstons, who had also been slighted, were ripe to fall into the Virginian basket. In the presidential election of 1792, Virginia, North Carolina, and New York threw their second electoral votes to George Clinton for vice-president, as against John Adams. From this 'botanizing excursion', then, we may date the Virginia planters' first political alliance, a combination that set the pattern of the Jeffersonian Republican party, and of all its successors. To this day the 'solid South' and Tammany Hall are the two constant, faithful factors in the Democratic party.[1]

[1] The contest of unprecedented length and bitterness in the Democratic nominating convention of 1924 was between these two elements.

4. *Hamilton's Report on Manufactures*

On 5 December 1791, before the cabinet dissensions were generally known, Hamilton presented to Congress his famous Report on Manufactures. Alone of Hamilton's state papers, this report fell flat; yet it became an arsenal of protectionist polemics on both sides of the Atlantic. No single argument was original; many of them were implied in centuries of English protective legislation; but they were beautifully co-ordinated. Professing a fundamental belief in Adam Smith's philosophy of freedom, Hamilton used the Scots economist to knock down the physiocrats, with their doctrine that agriculture is the only productive branch of industry. He was addressing a country preponderantly rural, where manufacturers were still in the household or handicraft stage; where the domestic system, such as the English woollen manufacture had followed for centuries, was hardly known; where only a few experimental factories existed, and not a single steam-engine. Free trade, in view of the dearness of labour and the scarcity of capital, would mean few American manufactures; and, in view of the uncertain foreign market for American corn, a low purchasing power for foreign manufactures.

Notwithstanding these unfavourable conditions, a beginning had been made. Samuel Slater, a Yorkshire weaver and employee of Arkwright, had laid the foundations of the New England cotton industry that very year. There was a wool-card factory employing twelve hundred hands at Boston; felt and beaver hats were being manufactured in Danbury, Connecticut, and a patriotic graduate of Yale College expressed himself ready and willing to supply the entire American continent with metal buttons if Congress would prohibit imports thereof. Hamilton wished the Government to encourage these efforts, in order to increase the national

wealth and diversify American labour. Artisans would be induced to immigrate, machinery would be invented, woman and child labour would be productively employed. Instead of a nation of inefficient jacks-of-all-trades, the cobbler could stick to his last, and the farmer produce efficiently for a home market. In other words, Hamilton would reorganize and regiment America's happy-go-lucky society on the basis of Adam Smith's pin factory.

Hamilton preferred bounties to high tariff as the instrument of protection, since 'the duties on the great mass of imported articles have reached a point which it would not be expedient to exceed'.[1] He would stimulate infant industries only until they were able to stand alone, or until the doctrines of Adam Smith were adopted in his own country. While Britain maintained the corn laws, she must be prepared 'to sacrifice the interests of a mutually beneficial intercourse to the vain profit of selling everything and buying nothing'.

Hamilton's ultimate aim, as with his funding system, was 'to increase the number of ligaments between the government and the interest of individuals'. Doubtless he perceived that the merchants and public creditors were too narrow a basis for a national governing class. He believed that manufactures might prosper in the South as well as in the North. The report was a distinct bid for Southern support over the heads of Jefferson and Madison. The South, however, regarded protection as another tax for Northern interests. 'What! are they going to tax our cloth too?' was the reply of Virginia farmers to a federal agent collecting data on domestic manufactures. Hamilton's argument would have been sound, nevertheless, had not Eli Whitney's

[1] A quotation from his Second Report on Public Credit (1790). The existing duties on manufactured articles averaged less than 10 per cent.

invention of the cotton gin, the following year, made the culture of upland cotton the most profitable employment for labour in the South.

Nor did the North show any enthusiasm for protection. Hamilton's favoured class, the public creditors and merchant-shipowners, had too strong a stake in free trade. Congress took no action on the Report. Hamilton himself let it lie, when the European war gave a new vent for farm products that trebled the nation's purchasing power. Twenty-five years later the Report was resurrected by the new manufacturing interest built up during the war of 1812; and its arguments have never since been allowed to grow cold. They were imported into Germany by Friedrich List, and into England by Ashley and Chamberlain. Hamilton, far ahead of his time, grasped the nineteenth-century compromise between paternalism and *laisser-faire*: protection to property interests valuable to the State; free competition for labour.

Washington, dismayed by the growing opposition to his administration, was eager to retire in 1793. Hamilton and Jefferson both urged him to accept another four-year term; the one for obvious reasons, the other because he trusted Washington to suppress any further 'monarchical tendencies', and believed the opposition needed further nursing to become an effective party. The President was unanimously re-elected. He began his new term in March 1793, in the shadow of a European war which was soon destined to precipitate all floating elements of political dissension into two national parties, around the nuclei of Massachusetts shipping and Virginia planting—the Federalists, led by Hamilton and inclining towards England; and the Republicans, led by Jefferson and favouring the French Revolution. These parties held the national stage for the next generation; and the Republican and Democratic parties of to-day are respectively their descendants.

X

WASHINGTON'S FOREIGN POLICY

1789–94

1. *The Two Poles*

WASHINGTON'S foreign policy may be summed up in three words: peace, union, and justice. Peace, to give the country time to recover from the material and moral wounds of the revolutionary war, and to permit the slow work of national integration to continue. The less diplomacy, the more likelihood of peace; but justice could not be done, nor the Federal Union maintained, without a vigorous foreign policy.

It was certain that the Westerners would not long remain in the Union unless Washington could secure to them the navigation of the Mississippi; that the support of the trading classes would be lost if their commerce were not protected; and that there would be irresistible demand for war with Britain if the North-West posts were not shortly surrendered. The Federal Government would become as contemptible as the Confederation unless it could satisfy all parts of the country that their essential interests were being protected. To obtain these ends peaceably would require years of patient and skilful diplomacy. But Washington seemed to have absorbed in his person all the patience and serenity in America. War-clouds were hanging over Europe, and if they broke it would be difficult to prevent their deluging the new world with the old.

Jefferson and Hamilton agreed with Washington's objects, although by different processes of reasoning; and they also agreed that the first step towards securing them must be a good understanding with England. But they disagreed absolutely as to the means of obtaining that understanding. Jefferson had been minister to the

court of Versailles before taking the Department of State. 'You will perceive', he wrote from France in 1788, 'that my object is to strengthen the connexion between this country and my own in all useful points. . . . This friendship we ought to cultivate closely, considering the present dispositions of England towards us.' Those dispositions Jefferson had tested two years previously, as joint commissioner with John Adams at London. He concluded: 'That nation hate us, their ministers hate us, and their King more than all other men.' Jefferson returned this hatred with interest, and for reasons more profound than foreign policy. English society, government, and manners were the sort of things that he wished his country to avoid. With Hamilton and his friends daily avowing their admiration for the British Constitution, British finance, and English society, Jefferson believed it to be their object to make the United States a mere transatlantic copy of the mother country. It was repulsion from them and their ideas, rather than attraction for France as such, that led Jefferson to regard the French alliance as his polar star. The French Revolution made him all the more eager to cling to that course, regardless of the rocks that Hamilton pointed out ahead.[1]

Hamilton believed that the essential interests of Great Britain and the United States were complementary, not competitive. 'I cannot foresee any solid grounds of difference between us,' he told an Englishman in 1790. Jefferson would probably have agreed, with the reservation that Britain must undergo a revolution at least in commercial policy, before the point of view of her governing class could be friendly to the

[1] The first public announcement of this association of ideas in Jefferson's mind was the appearance of the first American edition of Tom Paine's *Rights of Man* in 1791, with a prefatory note from Jefferson to the printer: 'I am extremely pleased . . . that something is at length to be publickly said against the political heresies which have sprung up among us.'

sort of country that he wished America to remain. When he saw signs of the desired transformation taking place, he was willing to contemplate 'fighting side by side with her in the same cause'.[1] Until then, he feared America would have to fight her way up to a place in the sun.

Although Hamilton never attempted to graft the British Constitution on the Federal one, he did believe that Americans had many political lessons to learn of their mother country. 'We think in English.' England, for him, had found the just balance between liberty and order. The influence of her friendship could only be wholesome for a young nation, sprung from her loins, and which needed above all things integration and stability. Hamilton really liked Frenchmen, who in turn found his personality more sympathetic than that of Jefferson. For, after all, Hamilton was one-quarter French in blood. But on the French Revolution Hamilton saw eye-to-eye with Burke. It was most disconcerting, just when there seemed some hope of America settling down, to have her favourite nation blow up and invite every one else to follow her example!

2. *Lord Sheffield answered*

We have already seen how Hamilton's financial policy sent Virginia Federalists into opposition as early as December 1790. A question of foreign policy had really opened the rift more than a year earlier; and dissension on these two issues, domestic and foreign, steadily drove the wedge deeper until a chasm divided the body politic into two national parties, Federalist and Republican.

It was the tariff and tonnage bill of 1789 that brought the first ominous crack. The Federal Constitution gave Congress the exclusive power to levy customs and

[1] In 1823, see Chapter XXVI.

tonnage duties, and to regulate foreign and domestic commerce. It had been one of the leading arguments for the new Constitution that these powers would enable the country to strike back effectively at the British commercial regulations, and force Whitehall to negotiate a commercial treaty in self-defence. Members of Congress, smarting under the frustrated efforts of the States to retaliate separately, were eager to employ their new weapons. Accordingly the first federal tariff bill, as it passed the House, contained three classes of tonnage duties on vessels entering American ports: the lowest on American bottoms, higher on the ships of countries having commercial treaties with the United States, and highest on ships of nations having no such treaty. The bill was drafted by James Madison. 'The produce of this country', he said, 'is more necessary to the rest of the world than that of other countries is to America. If we were disposed to hazard the experiment of interdicting the commerce between us and Powers not in alliance, we should have overtures of the most advantageous kind tendered by those nations.'

Here was a persistent Virginian error trembling on the edge of legislation. The notion, natural enough in a young and bumptious nation, that Europe needed American products more than America needed European markets, was inherited from colonial days.[1] Hamilton had made the same argument in *The Federalist*, but had since learned better. He knew that Anglo-

[1] The antagonism of Virginia planters for the English merchants who monopolized their tobacco trade was reflected in attempts of the Virginia assembly to retaliate by duties on English goods and to fix the price of tobacco, as early as the first third of the seventeenth century. It was, in essence, an extension by wider markets of the medieval antagonism between town and country. Later the same notion appears in Jefferson's embargo, in the Confederate state embargoes on cotton in 1861; and in the years 1914–17 many Americans thought that an embargo on food and munitions would 'stop the war in six weeks'.

American commerce was valuable for England, but vital for America—and he knew that England knew it. If America was England's best customer, taking one-twelfth of her manufactures exported in 1788, three-quarters of America's entire commerce was with Great Britain. No less than ninety per cent of American imports came from Britain, and Hamilton planned to finance his new fiscal system with customs duties, the only considerable source of revenue then open to the Federal Government. England could better afford to play the game of commercial retaliation than America; and retaliate she would if Congress began it. Commercial warfare, even if it did not lead to open warfare, would envenom Anglo-American relations; would check the economic recovery of the United States so hopefully begun; would destroy every calculation on which Hamilton's funding scheme was based; and would 'cut out credit by the roots'. Without credit, Hamilton could see the Federal Government becoming impotent as the Confederation, and the Federal Constitution discarded as another failure. Not on sentimental Anglophilism, but on this keen perception of the essential facts in their relation to his domestic policy, was Hamilton's foreign policy based.

The more discerning merchants of the Northern States anticipated Hamilton. They knew very well that they were then enjoying larger privileges in English ports than they could expect to secure in a commercial treaty wrested by retaliatory legislation. The Senate, in whose closed sessions they were able to present their point of view, struck out of the House bill all tonnage or tariff discrimination between foreign nations. As finally passed, the Tariff Act of 1789 levied higher duties on foreign than on American vessels, but placed English and French vessels in the same class. The effect was threefold. Whitehall perceived that Washington's administration was not unfriendly, and

'that a party is already formed in favour of a connexion with Great Britain, which, by moderation on our part, may perhaps be strengthened'.[1] American shipping recovered more than its fair share of the Anglo-American carrying trade;[2] and thus convinced Pitt's Committee of Council on trade that America was no longer so helpless as Lord Sheffield had led them to suppose; that perhaps, after all, it would be wise to have a commercial treaty. France justly complained of being placed in the same category as Britain, in spite of her alliance and her repeated favours to American commerce. The French Minister at Philadelphia advised his Government to press for the recovery of Louisiana from Spain, as the means of keeping America in hand. Within three years the French Republic acted upon this pregnant suggestion, and in 1800 Bonaparte put it through.

3. *Nootka Sound*

Before matters had progressed further with Great Britain, the Nootka Sound affair gave Washington's

[1] Report of Lords of Trade, 28 Jan. 1791, in *Collection of Interesting Reports published by Society of Shipowners* (1807), pp. 137–8.

[2] The following statistics from the same, pp. 721, ccx, show the recovery of the American merchant marine after 1789. Neutral trade did not become a factor until 1793.

Annual Movement of Shipping in British Ports to and from the United States

	British owned vessels.		*American owned vessels.*	
	no.	tonnage.	no.	tonnage.
annual average 1770–2	663	86,745	Included in British.	
annual average 1787–9	261	52,595	163	26,564
1790	278	57,588	232	42,337
1791	250	54,215	304	58,779
1792	210	46,500	300	61,725
1800	70	20,764	528	118,305

administration a serious question of high diplomacy. A dispute in an obscure bay of the Pacific North-West suddenly flashed into European diplomacy, shook the balance of power, opened a rift in the new constitution of France, and reverberated on American politics.

Spain's renewed colonial activity under Charles III—one aspect of which, as we have seen, was the distribution of gold in the Kentucky backwoods—led to the effective occupation of the California coast. The exploits of Lord Anson during the Seven Years War drew attention to this hitherto neglected portion of the Spanish patrimony. In 1769 a naval expedition was dispatched from Mexico, and two parties were sent overland to occupy Alta California. One of the ships took one hundred and ten days to reach San Diego and another was never heard from; but the overland party, under Gaspar de Portolá, pushed north along the coast as far as the site of Drake's landing; and then, turning south, came upon the magnificent Bay of San Francisco, which had strangely eluded earlier explorers. A chain of Indian missions, whose mellowed buildings still reflect the Californian sunshine, were founded by the Franciscan father Junípero Serra; and in 1775 General Anza conducted a band of colonists north-westward from Arizona, and founded the *presidio* of San Francisco. Little they dreamed that within a man's lifetime California would become a State of the American Union.[1]

In order to keep interlopers from this new colony, the Spanish *guardacostas* patrolled the Pacific coast as far north as Alaska. There, Russian fur-traders had founded another colony that eventually fell to Uncle Sam.[2] New rivals soon appeared. As a result of Cap-

[1] H. E. Bolton, *The Spanish Borderlands* ('Chronicles of America', xxiii).

[2] F. A. Golder, *Russian Expansion on the Pacific* (Cleveland: Clark, 1914). The first Russian settlement in North America was established in 1787 on Kodiak Island. Sitka was founded in 1799.

tain Cook's voyage, both American and English shipowners learned that fat profits could be made through buying furs from the Pacific Coast Indians and selling them in China. Nootka Sound on Vancouver Island was the centre of this traffic. In 1789 both the Spanish and the British Governments planned to take effective and exclusive occupation. The more powerful Spanish ship seized the Englishmen and sent them prisoners to Mexico. Reparation and apology were demanded. A European war was threatened, the *pacte de famille* crumbled, Mirabeau's hand was forced in France, and Hamilton and Jefferson had an opportunity to play *haute politique*.

The likelihood of war in Europe brought the unpleasant prospect of a British attack on New Orleans and the Floridas, with the probable result that a solid barrier of British territory, from the St. Croix to the St. Mary's, would contain the United States on front and flank. Jefferson hoped that through careful diplomacy the right to navigate the Mississippi could be extorted from the Bourbon powers, as the price of American neutrality. Otherwise, the United States had better make the best bargain she could with Britain, for the same price. Washington approving, the American chargés at Madrid and Paris were instructed to press for the 'right of deposit';[1] and Gouverneur Morris, in London, was ordered to promise American neutrality in return for British evacuation of the North-West posts.

In May 1790, at the crisis of the Nootka controversy, Gouverneur Morris found Mr. Pitt and the Foreign Secretary friendly, though non-committal. Lord Dorchester had just informed them that he could not defend the North-West posts if attacked by the United States Army. By the time Jefferson's instructions reached Europe the danger of war had passed. France

[1] See above, pp. 72–3.

backed out, and Spain was forced to 'eat crow', as the American backwoodsmen put it. Hamilton, furthermore, had undermined Jefferson's policy of making England pay for American neutrality, by gratuitously informing an agent of Lord Dorchester, in the presence of Jefferson, that the United States would in no case attack the North-West posts. Thus Jefferson's diplomacy lost its only asset. After the Foreign Office received Dorchester's report of this conference, no further communications were held with Gouverneur Morris.[1]

So passed the Nootka crisis, without any improvement in Anglo-American relations, or any progress towards the solution of the frontier problem. Perhaps the most useful result of it was the conviction reached by Jefferson that, in order to secure an outlet to the West, the whole left bank of the Mississippi must become American territory—a conviction upon which he acted when he became President.

Spain consented to negotiate with the United States over the navigation of the Mississippi, and the South-Western posts. But in the meantime she established two new posts on the American bank of the Mississippi. The negotiations dragged on at Madrid for two years, when the American commissioners concluded 'that a few ships of the line would have more weight in securing peaceably the territorial rights of the United States, and those with respect to the Mississippi than all the most unanswerable arguments or incontestable proofs that could be adduced in support thereof'.

[1] Bemis, *Jay's Treaty*, chaps. iv, v. Morris's and Beckwith's notes and reports are printed in *Amer. State Pap. For. Rel.*, i. 121–8, and *Report on Canadian Archives for 1890*, 'Note E', where Hamilton appears as 'No. 7'. I can find no authority for the statement in the *Cambridge Hist. Br. For. Policy*, i. 154, that 'Morris had to explain the utter inability of his Government to carry out the Treaty to the letter'.

4. *Grenville's American policy*

It was not until his second term of office that Washington could gather the fruits of his patient diplomacy and forbearance. But the Federal Union was continually being strengthened by fresh accessions, no less than by Hamilton's financial policy. North Carolina ratified the Federal Constitution before the end of 1789, and ceded her western territory (which became the State of Tennessee in 1796) to the United States. Rhode Island joined in 1790, after Congress had threatened to exclude her from commercial intercourse. The admission of Vermont in 1791, as the fourteenth State, put an end to the separatist movement in that quarter. Kentucky was admitted in 1792; but the separatist movement continued in the West until the Mississippi outlet was secure.

The longer Britain retained the North-West posts, and refused to conclude a treaty of commerce, the more difficult Hamilton found it to restrain Congress from retaliatory measures. One such movement was checked by the first friendly gesture from Downing Street since the peace—the appointment of a British Minister to the United States. It was not a wise appointment. George Hammond had not yet attained years of discretion; he married the daughter of a Pennsylvania loyalist; and he liked to exercise his talents by sharp complaints on immaterial matters. But the mere fact of a Minister being sent strengthened the hands of Hamilton. In return Washington appointed to the vacant London post Thomas Pinckney, an eminent South Carolinian, who as an old Westminster, member of Christ Church, and barrister of the Middle Temple, would supposedly be welcome at the Court of St. James's. He arrived in London too late to find the Duke of Leeds, his schoolfellow and contemporary at 'the House', in charge of the Foreign Office; but was warmly greeted

by another fellow Westminster, the Under-Secretary James Bland Burges, who wrote to Auckland that the American Minister's 'manners and temper exactly qualify him for the place he has taken. I have known him above thirty years, and do not know a more worthy and excellent man.' Yet Pinckney found London as coldly civil as did John Adams. Apparently the court held America responsible for the French Revolution, and made her Minister sensible of it. Common associations with Christ Church did not help him to penetrate Lord Grenville's crust of cold reserve; and the King, at his official reception, could only talk of the possibilities of civil war between North and South.[1] It would seem that the prophetic powers of George III have not been sufficiently appreciated.

Pitt's Government was not 'seriously anxious for a settlement when Hammond was dispatched'.[2] That appointment was a mere precautionary measure, and marked no real change in policy. The ministry did not wish to risk the interruption of commercial relations with a country which had already become Britain's leading customer; but it was not yet convinced that any concessions were necessary. Hammond had no powers to conclude a commercial treaty.[3] He was to receive proposals of that nature *ad referendum* only, a fact which Jefferson managed to extort from him at their first interview. His positive instructions were to prevent any further legislation discriminating against British shipping, and to compile a list of American violations of the Treaty of Peace. The result of this congenial task was presented to Jefferson in March 1792, and answered in a crushing counter-note that neither Hammond nor

[1] Bemis, in *Amer. Hist. Rev.*, xxviii. 228–47.

[2] *Camb. Hist. Br. For. Pol.*, i. 156.

[3] The same work, i. 155, is again in error in stating the contrary. See Hammond's instructions, 1 September 1791, Public Record Office, F. O., 4, 11.

any one else attempted to rebut. As Morris had remarked to Pitt, 'These complaints and injuries are excellent, if the parties wish to keep asunder; if they wish to come together, all such matters should be kept out of sight.'

In regard to the burning question of the North-West posts, Hammond was not to promise evacuation, even if the United States complied in full with the British construction of the treaty of 1783. Jefferson quickly inferred this, too; and the fact of the new seat of government of Upper Canada being established at Fort Niagara, on the American side of the boundary, seemed to indicate that Britain liked the posts too well to move.

5. *Neutrality*

In the meantime events in Europe were making a peaceful solution of these difficulties highly improbable. Americans followed the French Revolution with the keenest interest and sympathy; few perceived the difficulties ahead. Lafayette, Tom Paine, and the Declaration of Rights, seemed to make that revolution a continuation of theirs. News from Paris, arriving in huge stale gobbets by infrequent vessels, was printed at large in the newspapers, discussed eagerly in taverns, coffee-houses, and the log cabins of the frontier. The coalition of monarchs and the Declaration of Pillnitz were generally execrated. In December 1792 arrived the news of the previous summer—the storming of the Tuileries, the declaration of the French Republic, and the Battle of Valmy. Hard on its heels came the decree of 19 November, the 'war of all peoples against all kings'. Enthusiasm then became hysterical, as is apt to be the case when American emotions are stirred. At puritanic Boston, where dramatic instincts found an outlet in political form, there was a civic feast in French style. A procession of 'citizens eight deep' escorted

a roasted ox, labelled ' a Peace Offering to Liberty and Equality', together with sixteen hundred loaves of bread and two hogsheads of punch, to a spot rechristened Liberty Square. As the punch fell lower in the hogsheads, the spirits of the citizens rose, and what was said and sung was not complimentary, we gather, to John Bull.

A series of westerly gales prevented any vessel arriving from Europe for three months. Then, in April 1793, came news that brought war to the edge of the three-mile limit, and made the French Revolution an issue in American politics. France had declared war on Great Britain and Spain; the King had been guillotined; the Girondin party was in power; and Citizen Genet was coming over as minister plenipotentiary of the French Republic.

America was still, formally, an ally of France. In the treaty of 1778 the United States had guaranteed French possession of the French West Indies. As the Royal Navy was certain to attack them, it was difficult to see how America could honourably refuse to enter the war, if France demanded it. Most Americans wished to help France; and war would enable them to discharge both their debt of gratitude to her and their feeling of resentment against Britain.

On 18 April 1793 a Cabinet meeting was held at Philadelphia. Washington, though dismayed at the turn of events, still wished the French well, but thought of his own country first. Hamilton, loathing the French Revolution, wished to declare the treaty of 1778 in suspense [1] now that the Government was changed; to

[1] A reference to Hamilton's written opinion of April 1793 will show that he did not propose to consider the treaty nullified by the destruction of the monarchy, as has been frequently stated. Nor was Jefferson ' altogether hostile to any measures which might give offence to the susceptibilities of France ', as Mr. F. J. Oliver states (*Hamilton*, p. 331). ' It is very necessary . . . for us to keep clear of the European combustion, *if they will let us* ', he wrote in May.

declare American neutrality, and to reject the French Minister. Jefferson considered the cause of France 'the most sacred cause that ever man was engaged in',[1] but was equally anxious to keep America out of the war. To an immediate declaration of neutrality he was opposed; partly on constitutional grounds, but mainly because he regarded American neutrality, without some *quid pro quo*, as a free gift to England that she would receive only with contempt. To Washington such bargaining seemed unworthy of a self-respecting nation. Neutrality must be declared on its merits, not as part of a bargain. Accordingly, on 22 April 1793, the President issued his famous neutrality proclamation. It declared the 'disposition of the United States' to 'pursue a conduct friendly and impartial toward the belligerent powers', and warned citizens that 'aiding or abetting hostilities', or carrying contraband, would render them liable to prosecution in the federal courts. The proclamation marks another stage towards creating the traditional American foreign policy. Whether it would prevent ardent and lawless Americans from forcing a conflict with Britain was another matter.[2]

6. *Citizen Genet*

In the meantime Citizen Genet, quaintest of the many curious diplomatists sent by European Governments to the United States,[3] had landed at Charleston,

[1] Jefferson's *Anas*, 8 July 1793.

[2] Congress passed a Neutrality Act at its next session, similar to the later Foreign Enlistment Act of the United Kingdom. Even before the Act was passed, the Supreme Court enforced the principles of the neutrality proclamation, by applying the law of nations in Admiralty cases.

[3] Genet was brother to Madame Campan, the lady-in-waiting to Marie Antoinette. He was appointed before the condemnation of Louis XVI, and partly owing to the influence of Tom Paine, who was trying to have the King and Queen sent to America instead of to the guillotine.

South Carolina. Before presenting his credentials he undertook to fit out privateers against British commerce and to recruit armies against Spain. His progress to Philadelphia was a continuous ovation, and the President's formal and dignified reception in a drawing-room containing 'medallions of Capet and his family', came as a cold shower. But the minister needed many more of the same sort to cool his Girondin ardour.

Fortunately the United States had no navy; otherwise the French Republic would have called for an immediate execution of the treaty guarantee. Without a navy America could be of more service neutral than belligerent. Genet's instructions called upon him to use the United States as a base for privateering and filibustering. He was to assert his right under the treaty of 1778 to fit out privateers, and to have their prizes adjudicated by French consuls; to recruit forces for the conquest of Florida and Louisiana, 'et réunir peut-être à la constellation américaine la belle étoile du Canada'. In other words, France expected the same sort of aid from her sister republic that she herself had given in 1776; aid which was as certain to embroil the giver with Britain.

The French consul in Charleston, at Genet's orders, distributed French military commissions to young adventurers and to grizzled veterans of the Indian wars such as George Rogers Clark; forming the cadres of an 'Armée du Mississippi' and an 'Armée des Florides'.[1]

[1] The inception of this enterprise was American, and its real object land-jobbing. Dr. James O'Fallon of Roscommon was agent for a company of land speculators, who corruptly obtained from the Georgia legislature an immense land grant on the Mississippi, near the mouth of the Yazoo. As this territory was in the Spanish sphere of influence, O'Fallon entered into treasonable correspondence with Wilkinson and Miró to obtain Spanish consent to a settlement. These means failing, he took up the idea of a filibustering expedition, and enlisted the co-operation of his brother-in-law, George R. Clark, who offered his service to the French Republic in 1792. Through his friend Tom

Genet was expected to finance these enterprises of doubtful neutrality from advances on the American debt to France. He applied for an advance, 'to purchase corn for the French people' and 'to relieve the Santo Domingo refugees'. Washington's Cabinet, however, refused to anticipate any instalments of the French debt, and Genet's warriors had to return empty-handed to their frontier farms.

Jefferson welcomed the arrival of Genet as a sort of refresher for the opposition party, then much discouraged because their recent investigation of the Treasury had only proved Hamilton's integrity. Yet Jefferson enforced Washington's neutrality policy with loyalty and even-handed justice.[1] He insisted on a strict con-

Paine, O'Fallon obtained the favourable notice of the Girondin Government.

[1] Mr. Oliver's interpretation of Jefferson's actions in 1793 is based on a filio-pietistic biography of Hamilton that has little relevance to the facts. The only possible suspicion of Jefferson's loyalty rests on his attitude towards Genet's western levies. Genet disclosed his plans 'to me, not as Sec. of state, but as Mr. Jeff.', on 5 July 1793 (Jefferson, *Writings*, Ford ed., i. 236): 'I told him' [query, Genet or the French Minister] 'that recruiting Americans to attack a friendly nation "was really putting a halter about their necks"'. 'Nevertheless', writes Genet, 'il me fit entendre qu'il pensait qu'une petite irruption spontanée des habitants de Kentukey . . . pouvait avancer les choses.' (*Report of Amer. Hist. Assoc. for 1903*, ii. 221.) Jefferson certainly gave the French botanist Michaux, whom he knew to be a secret agent of the French Republic, a warm letter of introduction to the Governor of Kentucky, and he took no steps to stop French recruiting until it was brought to his attention by the Spanish Minister (*Am. State Papers*, Wait ed., i. 432). It may be that Jefferson thought the alarm of an impending attack on Louisiana would have a wholesome effect on the pending Spanish-American negotiations. It is more likely that Genet's imagination played him false at the interview, as on another occasion when a warm handshake from Washington filled him with 'flattering thoughts'. But the inference that Jefferson connived at substituting French for Spanish power at the mouth of the Mississippi is so contrary to his entire policy before and after 1793, as to be untenable without definite evidence. Gen. Clark's offer of his sword to the French Government was also accompanied by a letter of intro-

struction of the French treaty privileges, returned to their owners all prizes sent in that had been taken under colour of Genet's letters of marque, and forbade him to issue more. He lectured Genet on the law of nations—a basis that the citizen refused to admit. 'This Secretary of State', he wrote his Government, 'hunts up excuses in the dusty tomes of Vattel and Grotius.' With entire communities sympathetic to France, and little moral sanction anywhere to the duties of neutrality, the Federal Government could no more prevent occasional violations of neutrality than the British Government could enforce revenue laws in the Hebrides; and Lord Grenville agreed that the United States was honestly enforcing its declared policy.[1]

Vain, scatter-brained, and indiscreet, Genet represented Girondism at its worst. The popular reception completely turned his head. 'Je vis au milieu de fêtes perpétuelles', he wrote his Government. 'Le vieux Washington . . . ne me pardonne point mes succès, et l'empressement avec lequel toute la ville s'est précipitée chez moi.' Many Americans regarded Genet as the symbol of embattled France, and some wished to use him against Washington and Hamilton; but for the most part he was a victim of the American humorous curiosity that loves to gape at distinguished foreigners, and to observe them make fools of themselves.

When Genet found he could do nothing with the Government, he conceived the brilliant notion of turning it out. His official notes became inconceivably truculent. In Charleston he had presided at the birth of a local Jacobin club, whose legitimacy was recognized by the parent organization at Paris; and his progress through the States was marked by similar progeny of ill portent. After a few weeks of him, Jefferson con-

duction from Jefferson—but giving letters of introduction was a favour that Jefferson, like other Americans, seemed unable to refuse.

[1] Bemis, *Jay's Treaty*, pp. 148–9.

cluded that Genet was likely to become a Jonah of the opposition party: 'Never was so calamitous an appointment made. . . . He will sink the Republican interest, if they do not abandon him.' In August 1793 the Cabinet unanimously voted to request his recall. Robespierre gladly consented, and in return asked for the recall of Gouverneur Morris, whose intrigues at Paris had been quite as mischievous as Genet's in Philadelphia. Early in 1794 a new French Minister arrived in the United States, with an order for his predecessor's arrest. Instead of returning to feed the guillotine, Genet married the daughter of Governor Clinton, and settled down to the life of a country gentleman on the Hudson.

XI

FEDERALISTS AND REPUBLICANS

1794–1800

1. *The French Revolution, Precipitant of Parties*

THE year of the passing of Citizen Genet, 1794, saw the definite crystallization of all those unstable political elements that had been oscillating between the Massachusetts and Virginian poles into two national parties. Although the division began in 1789 on domestic issues that were economic at bottom, nation-wide parties had not yet been formed. Hamilton had a *bloc* in Congress, and Madison, inspired by Jefferson, led a compact opposition against the 'corrupt Treasury squadron'. But most of the members were attached to neither group. Candidates for Congress appealed to the voters largely on their personal merits or past services. Hamilton's partisans wished to maintain peace with England at almost any price; the opposition wished to draw closer to France; but until 1793 almost every one viewed the French Revolution with friendly sympathy. Jefferson informs us that he never saw Washington so depressed as on the day he heard of the flight to Varennes; and 'Light-horse Harry' Lee, Federalist father of the great Confederate general, offered his sword to France in 1792.

Edges were blurred, issues confused, but the political cauldron was seething. Men were asking whether the American experiment in self-government had passed its zenith. Could the Republic be saved only by old-world expedients: national debt and accumulation of capital, army and navy and governing classes, perhaps even Church and King? Must the Federal Constitution be merely the British Constitution writ large? Or, on the contrary, was the American Revolution just begun?

Were the people of the United States destined to shake off every fetter that enslaves men's bodies and minds, and face the world, united indeed, but enlightened, free, and equal? In the tumultuous year 1793 Americans gazed on the French Revolution as in a crystal ball, for an answer to their hopes and fears. Presently they looked up, satisfied, with a hearty 'Yes!' or a thumping 'No!'

European issues reach America without shadings, all black and white. Thus the French Revolution seemed to some a clean-cut contest between monarchy and republicanism, oppression and liberty, autocracy and democracy; while to others it was a mere breaking-out of the eternal strife between anarchy and order, atheism and religion, poverty and prosperity. The former joined the Republican party; the latter the Federalist. Sectional and economic groups were polar to the completed parties; but in the reverse order to general expectation. Sometime democratic New England and the seaports, young rivals to Liverpool and Bristol, became the head-quarters of the pro-British Federalists; whilst the landed interest, particularly in slave-holding communities, was swept by gallomania.

The explanation is both social and economic. In New England the clergy had been worrying over the younger generation: undergraduates who preferred reading Voltaire and Gibbon to studying Jonathan Edwards and Millot's *Elements of History*. Yet a naïve delight at the drubbing of 'papists' kept the parsons faithful to the French cause up to a certain point. The execution of Louis XVI cast a shadow of doubt; doubt changed to horror when Tom Paine's *Age of Reason* appeared in 1794. In puritan New England as in middle-class England that scurrilous arraignment of the Bible sent liberal dissenters hot-foot to the standard of reaction, eager for anything to exclude 'French infidelity'. Paine himself, by a fierce attack on Washington

the next year, completely identified Jeffersonianism with Jacobinism, in the mind of the average New Englander.

The planters of Virginia, freethinkers and deists for the most part, were immune from religious panic. But why did not the obvious results of 'liberty, equality, fraternity' in San Domingo cut a chasm between Virginia and France? One can only answer that the slaveowners' hatred of British merchants made them invulnerable to this new suggestion. A British merchant appeared to the Virginia planter as a Wall Street banker appears to the Dakota wheat grower of to-day: a heartless exploiter, selling him necessities at a swollen price against future deliveries of crops. Since the seventeenth century the planters had been 'a species of property annexed to certain mercantile houses in London', as Jefferson wrote. Virginia hoped the American Revolution would shake this millstone off her neck; but the tobacco factors returned, did business as usual, and under colour of the treaty even had the insolence to collect their debts. Not all the debts, however, had been collected. The last legal obstacle was not removed by the Supreme Court until 1796; and in the Anglo-American crisis of 1794 a resolution for the suspension of the debt article of the treaty of peace was introduced by the two senators from Virginia. Historians of that Commonwealth deny that the planters could have been biased against England by such sordid considerations; others may suspect that Virginian debtors were not lacking in human nature.

2. *Physiocracy* v. *Mercantilism*

The basis of Virginia's opposition to Northern capital we have already examined.[1] Her opposition to British

[1] Chapter V. Hammond calls the opposition to Hamilton the 'party of the Southern States', in a dispatch to Grenville of 7 March 1793. F. O. 5. 1.

capital and sea-power was of the same nature. French principles—not the principles of the Jacobins, as the Federalists alleged, but of the 'economists'—enabled the planters to rationalize their instincts. Quesnay taught that land was the unique source of wealth—'C'est donc la terre qui paye tout.' Human society, according to his *Analyse*, is divided into the 'productive class' of husbandmen, the 'proprietor class' of renting landowners and the State, and the 'sterile class' of merchants, manufacturers, bankers, and public creditors, parasites on the land. Dr. Price, in his *Observations*[1] which might well have served Jefferson as sailing directions, warned America against the danger of foreign commerce and banks; and the Abbé de Mably exhorted Georgia to erase the ship from its state seal, lest the rising generation be seduced by such ideas of false prosperity.[2]

For two generations at least there had been interaction between American conditions and European thought. Books of travel introduced the exotic note into French literature, and provided economists and philosophers with hints of a purer social order. The Abbé Raynal's *Histoire philosophique des Deux Indes* (1770) fixed in the French mind a brilliantly inaccurate picture of American virtue and simplicity, which justified, to French intellectuals, the intervention of their Government in the American war. Hence their enthusiastic reception of Franklin, whose carefully cultivated pose of simplicity was taken as the natural product of a soil free from European corruptions. Jefferson, in turn, was passed on to Franklin's friends; and some of the surviving economists, such as Dupont de Nemours and the Abbé Morellet, who translated his *Notes on Virginia*, became his friends. Virginia, as Jefferson described it in the salon of Madame Helvétius, must

[1] See above, p. 41.

[2] *Observations sur le Gouvernement des États-Unis* (1784), p. 78.

have seemed a physiocratic Utopia—if only slavery could be got rid of.[1] The Federal Constitution, destroying internal customs barriers as Turgot had wished to do in France, left no obstacle to organizing the Union on physiocratic principles—if only Hamilton and the Federalists could be got rid of! It is no reproach to Jefferson to say that he shared the doctrines of the French idealogues—that, with Turgot, he believed in the perfectibility of man, and with Rousseau hated the corrupting influence of the past; for such men had an idealized America rather than an actual France in the backs of their minds, and the principles of 1789 were more native to American than to French soil. Jefferson, however, was more of a politician than a philosopher. The intellectual leader of the Republican party was Colonel John Taylor, a Virginian whose mansion in Caroline County, near the main post-road between Philadelphia and Richmond, was a rendezvous of travelling congressmen; and whose pamphlets propagated the doctrine that every dollar made by the carrying trade, the tobacco factors, and Hamilton's 'paper aristocracy' came out of farmers' pockets. It was Taylor of Caroline who pointed out that the Federalists were building up a new privileged class which, unless promptly checked, would become a bloated plutocracy, more

[1] Guillard de Beaurieu's *L'Élève de la Nature* was dedicated to the Virginians, because they had found the secret of an agrarian civilization 'without large towns, or luxury, or crime'. It is quite possible, however, that the Virginians received physiocracy at second hand, through the writings of Dr. Price and Adam Smith; or that they reached the same conclusions by the familiar process of rationalizing their interests. Agrarian doctrine, remarks Mr. Henry Higgs, 'seems . . . to spring from the soil in an early stage of economic reflection. It is to be found in Spain even earlier than in France; and Adam Smith has illustrated it by comparison with Egypt and India.' (*The Physiocrats*, p. 140.) It will be remembered that Henry George dedicated his *Protection and Free Trade* (1886) to the physiocrats, without having read their writings. Physiocratic doctrine was common talk in the wheat belt of the United States in 1925.

powerful than the aristocracy of the old régime ; and more difficult to deal with, as undistinguished by blood and legal privilege. It followed that England, through her flagrant disregard of physiocratic principles, was a 'sinking nation', and that trade with her, in adverse balance, was 'draining' America of her wealth. And it was Taylor, not Jefferson, who first defined the doctrine of State rights, in order to preserve the agrarian states from Federalist tyranny and corruption.

British capital, to the merchant shipowners of New England, New York, Philadelphia, Baltimore, and Charleston, was an indispensable instrument of credit ; and commerce with Britain the first condition of American prosperity. Their overseas trade was largely financed by London merchant-bankers ; and after the French armies had sucked Amsterdam dry, credit could be obtained nowhere else than in London. Like Hamilton, they did not care to risk a quarrel with the power that could give or withhold. British spoliations on neutral trade might annoy American shipowners ; but they soon discovered that British sea-power gave compensation, while French sea-power did not. Although the Acts of Trade and Navigation were technically in force in the West Indies, actually they were not enforced after 1792. During the entire period of the French war, as in 1914–17, there was no time when American shipowners could not make immense profits through submitting to British sea-power when they could not evade it ; whilst French attacks on neutral commerce, as those of the German submarines, tended to destroy the only traffic that the British navy permitted.

Thus it came about that great Virginia planters of English race and tradition—men like John Randolph of Roanoke who would wear no boots but Hoby's of London, and read no Bible printed outside Oxford : men whose throats would have been the first cut and whose lands the first divided if Jacobinism infected

America—screamed for the Rights of Man and railed at Britain. Thus it came about that Boston Unitarians like William Ellery Channing and Harrison Gray Otis, whose creed was more subtly subversive of traditional Christianity than the crude outbursts of the Paris commune, beat the tomtom against French impiety and anarchy.

Around these two poles American opinion crystallized in 1793–5. You were either for the Republicans and France, or for the Federalists and Britain—there could be no cross-section. Emotion for a principle, and for the kind of country you wanted America to be, joined interest and policy. It was not Britain and France corrupting American opinion, but American merchants and farmers stretching out to Europe for support. As Volney wrote in May 1797, 'It is really a quarrel of English against French principles . . . but hardly any one wants the English or the French as masters. Each party will use foreign influence as it needs, to dominate.' [1]

A dangerous game indeed—rather like calling in the Goths to win the imperial purple. The emotional nexus with European nations grew progressively stronger, until the European war seemed to absorb American politics. It became a fixed idea of the Republicans that republicanism in America could not long survive the triumph of monarchy in Europe; whilst the Federalists as firmly believed that American union, social order, property, and religion, depended on England standing fast against Jacobinism. On occasion, and with certain individuals, this foreign partisanship became so overpowering as to remind one of the city states of Greece, where the democrats loved Athens more than their native city, and the oligarchs, Sparta.

Before 1914 American historians ascribed this state of feeling to colonial habits of thought persisting into

[1] *Annales Révolutionnaires*, iii. 183.

the national period. They could hardly do so now. After all, Fox and the remnant of the old Whigs were no less ' Jacobin ' than Jefferson and Madison. English opinion divided passionately over the American Civil War. The European War in 1914–17 caused as violent partisanship in America as the French war ; but the one beat in vain against the unity of firmly established political parties, whilst the other found parties plastic and inchoate, seeking some issue for a clean division. Similarly, when the historic English parties were still young, the one looked up to the *Roi Soleil*, and the other to Holland. Any foreign war that brings into conflict two principles that go to the heart of politics will divide the oldest and ripest nations.

3. *The Party Structure*

Both American parties, the Republicans (ancestors of the Democrats of to-day)[1] and Federalists (of whom the present Republicans are residuary legatees), accepted the Federal Constitution as their common basis, although each accused the other of wishing to subvert it. Both believed in free trade, though for different reasons. Their fixed principles were agrarianism and the French Revolution, against capitalism and Britain. If the one in 1794 stood for State rights, and the other for a strong Federal Government, it was only because the one was out and the other in. The distinction, which English writers have fancied to be fundamental, was in reality accidental, and was exchanged after the Republicans came in and the Federalists went out.

Each party attempted to undercut the other on its

[1] Jefferson began referring to the opposition as ' the Republicans ' in 1791, in order to imply that all others were monarchists ; the Hamiltonians kept the name Federalists in order to imply that all others were anti-federalists. Their favourite names for their opponents were the ' Jacobins ' or ' Democrats '. The latter name was often used by the northern wing of the Republican party, but was distasteful to the Virginians.

home field, by appealing to some local interest or feeling contrary to the dominant one. Thus Maryland, the Leah to Virginia's Rachel, was normally a Federalist state. In Virginia, Federalists were found in the corn-growing Shenandoah Valley, which hated the planter aristocracy. In South Carolina, Charleston and the lowlands were Federalist. Similarly the Republicans reached out to the under-dog in New England. Maine, the frontier district of Massachusetts, was largely Republican; and the Baptists, Methodists, and other dissenters, who disliked their inferior status to the Congregational churches, were faithful Jeffersonians. All of which is an early illustration of another factor in American politics that makes them so puzzling to Englishmen—the fact that both in motive and in purpose national politics are partly local. Thousands of votes in every presidential election are dictated by state politics, local hatreds, and neighbourhood feuds.

Outside New York, where the Clintons and Burr proved more than a match for Hamilton and Jay, the most important group of Northern Republicans was in Pennsylvania. Here were the genuine radicals and the professional thimble-riggers of the party. Pennsylvania politics had been a matter of class and race since colonial days; Philadelphia mechanics and Scots-Irish pioneers against the colonial oligarchy of Quakers and English-born merchants, with prosperous German farmers holding the balance. The back-country refused to pay Hamilton's excise; the mechanics were becoming class-conscious. 'Journeyman carpenters of the City and Liberties of Philadelphia' struck for a twelve-hour day in the summer of 1791. Journeyman cordwainers, under pressure by contractors for the southern market, organized the first American labour union in 1792. By 'turn-outs' or strikes and 'scabbing' non-union shops, they managed to force up the wage for bootmaking almost a hundred per cent, in the prosper-

ous years of neutral trade. In 1805 one of these turnouts occasioned the first labour conspiracy case in American judicial annals. The defendants were fined eight dollars and costs each, for 'entering into a combination to raise their wages'.

These, and their compeers in New York, were the men who welcomed Genet and formed democratic societies, and who struck Hamilton in the mouth when he spoke for Jay's treaty. The Boston ship-caulkers and shoemakers, stout fellows who had done the dirty work for the Adamses and Otises in the 1770's, were won over by the younger Otis to the party that fostered shipping; but no such silver-tongued orator appeared for the Federalists in Philadelphia. Had John Jay been a man of less integrity and more policy, he might have published with effect his letter from Jefferson, wherein the 'founder of American Democracy' refers to artisans as 'the panders of vice and the instruments by which the liberties of a country are generally overturned'. We find Jefferson, with some reluctance, asking Madison whether it would be wise 'to coalesce with the democrats'. The reply was evidently favourable; and the Pennsylvania democracy became a firm ally to the Virginia aristocracy.

The most lively hope of the Republicans, however, was the West. Here was the most favourable soil for the growth of a party that opposed strong government, financiers, and Britain. The gallomania of 1792 lasted for some years beyond the Appalachians. Harry Toulmin, a friend of Priestley, was made president of the first college in Kentucky, although the Presbyterians later ousted him as an 'infidel'. Republicanism increased as backwoods population increased; and the Federalists, realizing that they were doomed to a minority position, adopted after 1800 a policy that could end only in the division of the Union, or the submergence of Federalism.

Jefferson and Hamilton typified the two eternal spirits that contend for the government of all that men do or say; the spirit that creates and the spirit that denies, the hope that man can raise himself through the ages a little nearer God; and the mocking doubt that human nature can ever change its ways. But between the two parties that they organized there was not the same difference. The Republicans may have had the greater share of optimism, and the Federalists of pessimism; but both had something to give their country, and both were equally guilty of appealing to men's fears and appetites. Jefferson's 'botanical excursion' of 1791 began the substitution of expediency for idealism, of the desire to win for the desire to serve; whilst the character of Washington, the genius of Hamilton, and the intellect of Marshall sublimated from a selfish and material policy the ideals of national integrity and international justice.

XII

THE CRISIS IN ANGLO-AMERICAN RELATIONS 1794–6

1. *The Proposed Indian Buffer State*

THE follies of Genet, and his disgrace, cooled American ardour for France. Yet no sooner had he been disposed of than fresh, dry tinder was thrown on the hot embers of Anglo-American relations. By March 1794 the frontier and commercial controversies had become roaring furnaces; and it was doubtful whether the cool, calm temper of Washington was adequate to quench them.

John Graves Simcoe, Lieutenant-Governor of Upper Canada, was the principal disturbing factor on the border. Like Genet, Simcoe lends comic relief to a period of stress, and with the best of motives did mischief to his cause. Within narrow limits the Lieutenant-Governor made an excellent administrator; but essentially he was a subaltern who never grew up, and never knew it. He seriously proposed to combine his Canadian office with that of British Minister to the United States. It was a fixed idea with him that the rulers of America were cunning, deceitful, and revengeful; that the constant aim of Washington was to use the North-West posts as a spring-board for the conquest of Canada. Simcoe regarded himself as a promoter of Anglo-American concord; but his formula to attain that desirable result had the sole merit of originality. The British Government should endeavour to jockey Washington, Jefferson, and Hamilton out of office, to dissolve the Union, and to induce the Americans to 'adopt a Prince of the House of Brunswick for their future President or King'. Thus 'the happiness of the two nations would be interwoven and united—all

jealousies removed and the most durable affections cemented'.

Grenville paid no attention to these hints; he had conceived a practical project for solving the North-western question. His Majesty's Government would evacuate the occupied posts, if the United States would renounce all claims to them, and consent to the erection of a neutral Indian state covering the entire territory between the Lakes and the Ohio, together with a strip of Northern New York and Vermont.[1] Obviously, this solution would be even better for the Canadian fur-traders than holding the posts. It would fling the Canadian frontier southward to the line of 1774, and deprive the United States of the entire Middle West. Hamilton pronounced the plan so 'absolutely inadmissible' when it was informally broached by Hammond, that the British Government could promote it only by oblique methods. Instructed by the Home Office, Simcoe offered to mediate a peace between the United States and the North-western Indians with which it was still at war. Jefferson refused (December 1792) to admit foreign mediation in a question that he regarded as domestic, but gratefully accepted the good offices of Simcoe to bring the Indians to a peaceful frame of mind. The Lieutenant-Governor then used every means fair and foul to produce the contrary result. He detained the American peace commissioners *incomunicado* at Niagara during the early summer of 1793, but sent his own agents to the grand council fire of the Western tribes, with instructions to support the warriors, and counteract the moderating influence of two wise old Iroquois chiefs. Consequently, when the American commissioners were finally permitted to meet the Indian envoys, the latter refused to accept anything less than a retrocession of the whole North-west

[1] Grenville to Hammond, 17 March 1792, F. O. 5. 14; Bemis, *Jay's Treaty*, chaps. vi, viii.

Territory, with sections of Pennsylvania and New York that were already settled by whites. Reluctantly, the United States prepared to renew the Indian war.

The North-West posts having failed him as a lever to deprive the United States of territory, Lord Grenville proposed to hold them for what they were worth. So he informed Pinckney in London, near the end of 1793, frankly abandoning the pretence that they would be evacuated when the United States gave full satisfaction for the debts.[1] Washington's patience, Jefferson's forbearance, and Hamilton's long, uphill pull towards good understanding had apparently come to naught. What was left but war, for America to secure her own? The other burning issue of Atlantic commerce was flaring a like signal.

2. *Neutral Rights*

When England is at war, and the Royal Navy is measuring the extent of neutral rights, neutral commerce with her enemy is apt to thin out. The weaker naval powers had long endeavoured to build up a positive law of neutral rights, with the doctrines of effective blockade, limited contraband, and 'free ships make free goods': doctrines which publicists long laboured to write into law, only to see them go smash in 1914. The United States had subscribed to these principles in her treaties with Holland, France, and Prussia. As neutral to the war of the French Revolution, she hoped to benefit by them. The first blow to her hope was the 'provision Order in Council' of 8 June 1793 instructing British naval commanders to bring in neutral corn-laden vessels destined to France, for pre-emption of their cargoes. Before Jefferson had time to search his Vattel for verbal ammunition, a new Order in Council of unprecedented severity was issued

[1] Pinckney to Jefferson, 25 November 1793. *Amer. State Pap., For. Rel.*, i. 328.

on 6 November. Among other things, it directed the detention and adjudication of all ships laden with French colonial produce, whether French or neutral property; and all vessels carrying provisions to the French colonies.

The Caribbean was swarming with Yankee schooners and brigs when the order reached naval officers on that station. It was executed in a manner that reflected the Navy's sharp hunger for prize-money, and the low salaries of Admiralty judges in the West Indies. Everything was fish that came to their net. If a Maine schooner, laden with deal and salt cod, ventured into the harbour of St. George's, Bermuda, she was boarded by a gang of ruffians, stripped of her rudder and sails, spoiled of her stores, her seamen consigned to a calaboose if not impressed, and the vessel libelled in His Majesty's Court of Vice-Admiralty. The burden of proof that the cargo was not somehow tainted by French association was placed upon the Yankee skipper. Of course he could appeal to a British court from the almost certain condemnation: an illusory privilege for the masters of small craft.

News of these captures brought consternation to the American trading community, which was the backbone of Hamilton's party. Hamilton himself was exasperated. Congress, which had been in session four months, 'had not been discussing pleasant topics'. It began war preparations, and clapped an embargo on the seaports. In the midst of the crisis, news leaked into the American papers of a truculent speech by Lord Dorchester to an Indian delegation, encouraging them to look for the King's aid shortly, in driving the Yankees across the Ohio for good and all.[1]

A new British invasion of American territory had occurred, but fortunately was not yet known. As a 'defensive measure' Simcoe built and garrisoned a new

[1] *Annual Register*, 1794, pp. 250–1.

fort, on American soil at the Maumee rapids, a hundred miles south-west of Detroit.

In Congress the opposition party was not eager for war, but for Jefferson's and Madison's favourite plan of commercial retaliation, which would surely have led to war, as it did when Jefferson and Madison later tried it. The Federalists, scorning such measures as mischievous and futile, were beginning to think that war was inevitable, when a timely gesture from Grenville prevented matters from going farther. In evidence, so he told Pinckney, of his sincere desire for harmony with the United States, and for removing every pretext for irritation against Great Britain, the Government revoked the Order in Council under colour of which the commerce spoliations had been perpetrated. This information was communicated to Congress on 4 April 1794; and on the 16th Washington nominated Chief Justice Jay as envoy extraordinary to Great Britain.

'My objects are, to prevent a war', Washington wrote the Secretary of State, 'if justice can be obtained by fair and strong representations . . . of the injuries which this country has sustained from Great Britain in various ways', injuries which 'leave very unfavourable impressions of their friendship, and little to expect from their justice'.[1] Jay's nomination was confirmed by the Senate, and he left immediately for London. A House Bill to suspend commercial intercourse with Great Britain during the negotiation was defeated in the Senate by the casting vote of Vice-President Adams. Through the influence of the new French Minister with the opposition, the embargo was allowed to lapse. A large fleet of provision ships then sailed from the Chesapeake under a French convoy that Lord Howe smashed on the 'Glorious First of June'; but the merchant vessels slipped safely into Brest, in time to relieve the famine that accompanied the reign of terror.

[1] Washington, *Writings* (Ford ed.), xii. 418–19.

3. *Jay's Mission and Treaty*

The appointment of Chief Justice Jay as envoy extraordinary to the Court of St. James's was not a happy one for the United States. John Jay was a model of abstract propriety and unblemished character—the traditional Washington in the flesh—but his leaning toward Britain was too pronounced, and his self-esteem opened the way to judicious flattery. 'He can bear any opposition to what he advances, provided that regard is shown to his abilities', wrote Auckland to Grenville, shortly after Jay's arrival in London (22 June 1794). Like every man, he had 'a weak and assailable quarter, and Mr. Jay's weak side is *Mr. Jay*'.[1]

The atmosphere of Whitehall was favourable to negotiation for the first time since the fall of Shelburne's ministry. Grenville's conciliatory overture of January, and the revocation of the Order in Council, marked a turn of the corner in Anglo-American relations; and the events of the next six months inclined Pitt and Grenville still farther in the same direction. Pichegru had defeated Wurmser, and hurled the allied armies across the Rhine. The siege of Toulon had been raised, the First Coalition was beginning to crack, and the policy of bullying neutrals had merely stiffened their resistance to British sea-power. The Swedish Minister at London, so Grenville learned, had invited the United States to join a new League of Armed Neutrality. 'You will exert yourself to the utmost to prevent the American Government from acceding to the measure', Grenville wrote Hammond. Jay was actually instructed to take measures towards joining the League if his negotiation failed. War with the United States would mean the loss of England's best customer, the possible loss of Canada, an unprofitable diversion of the battle fleet, and a new enemy of potential naval strength. It would mean

[1] *Hist. MSS. Comm. Rep., Dropmore MSS.*, ii. 578.

a serious embarrassment of the British West Indies, deprived of their collusive supplies of American corn. Finally, a batch of Hammond's dispatches that arrived with Jay showed that quick action was necessary to undo the mischievous work of Dorchester, Simcoe, and the Caribbean squadron.[1]

Such was the diplomatic hand, as it might have been played by a shrewd diplomatist who knew all the cards. Unfortunately for both countries, John Jay was not a shrewd diplomatist. He was blind to the cards that fate had placed in his hands, and ready to pay a higher price for peace than his opponent. Moreover, the only ace that Jay possessed, the threat to join the League of Armed Neutrality, was thrown away by Alexander Hamilton, who gratuitously informed Hammond that it was the settled policy of his Government 'to avoid entangling itself with European connexions'. Hamilton was right and the policy was correct; but it was hardly the moment for such excessive frankness. Lord Grenville received the news in time to stiffen him against concessions.[2]

The treaty of London, 19 November 1794, has always been known in American history as Jay's treaty; and forgotten in British history. After comparing the treaty with Jay's instructions, and with his and Grenville's first drafts, one is at a loss whether to wonder more at the weakness of the American, or the keen tenacity of the Briton, who at the same time was handling with equal ability the many other and more important lines of British foreign policy.

Jay secured the main object of his mission, the evacuation of the North-West posts. In return, he had to

[1] Bemis, in *Amer. Hist. Rev.*, xxiv. 26–46; see also in *Dropmore MSS.*, ii. 578, the alarming though unfounded reports of British secret agents on the continent.

[2] Hammond to Grenville, 3 August 1794, F. O. 5. 5; Bemis, *Jay*, p. 246.

admit fur-trading over the northern border. No renunciation of the pretended right to meddle with the Western Indians on the American side of the border could be obtained. Grenville, in fact, instructed Hammond to revive the Indian buffer-state project, on the very day after the treaty was signed, in the hope of getting it through before the evacuation of the posts was completed. Wayne's victory over the Indians prevented this;[1] but the project was not finally put to sleep until 1814. Jay did, however, prevent a rectification of frontier in the North-west, which would have given Canada a corridor to the site of St. Paul, Minnesota; and eventually would have made the international boundary the forty-fifth instead of the forty-ninth parallel of latitude.

Questions of British spoliations on American commerce, of uncollected debts, and of the Maine–New Brunswick boundary, were wisely referred to mixed commissions—a precedent of great value for subsequent diplomacy.[2] Jay dropped the claim for slaves carried away in violation of the peace treaty, and did not even raise the question of compensation for Indian attacks instigated by British officials, which according to Washington's rough estimate had cost the United States over a million dollars annually for the past five years.

The commercial articles of the treaty, which were limited to ten years' duration, were based upon a report of the Lords of Trade in 1791.[3] The principle of most-favoured nation was established; limited for American

[1] See next Chapter.

[2] The debts commission were unable to agree as to principles of adjudication; but in 1802 the United States paid £600,000 in satisfaction of the British creditors' claims. In 1804 the spoliations commission awarded American claimants £1,317,361, which was duly paid; and the British Government ordered the release to Maryland of the Bank of England stock to the value of £146,000, which had been held for the State as security for its paper money since before the Revolution.

[3] See above, p. 142.

vessels to ports of the British Isles and the East Indies, extended for British vessels to the head of navigation of all American rivers, and to the whole course of the Mississippi. The United States agreed to peg its customs tariff and tonnage duties on British goods and ships, at their existing rates; whilst the British Government reserved the right to impose countervailing duties on American bottoms, notwithstanding the fact that existing port, light, and Trinity dues balanced the American tonnage duties. Jay acquiesced in the British doctrine of contraband and neutral rights, contrary to the previous policy of his Government, and obtained no stipulation on impressment, which was already beginning to disturb Anglo-American relations. Article XII, which was struck out before ratification, was the most exceptionable. In return for a limited entry to the British West Indies of American vessels not over seventy tons burthen, Jay agreed to the prohibition of export from the United States, in American vessels, of sugar, coffee, cocoa, and cotton; all of which articles, as he should have known, were of increasing importance in American foreign trade. The concession, however, was immaterial, for the British West India ports were almost continuously kept open by local proclamations and orders in council to American ships and products from 1793 to 1813, so dependent were they upon America for provisions. Loughborough, the Lord Chancellor, proposed that each country should exempt subjects of the other from the disabilities of alienage; but Jay was compelled to refuse this liberal offer as conflicting with State rights.[1]

Jay's treaty was a victory for British diplomacy. The United States was forced to ransom its own property, the North-West posts, by humiliating concessions as to commerce, shipping, and maritime rights. It embroiled the United States with France, and thus threw Ameri-

[1] J. Q. Adams, *Memoirs*, i. 49–50.

can weight into the allied scale, until the Peace of Amiens. In driving so sharp a bargain, Lord Grenville really served his country ill. More generous concessions might have lost British merchants and shippers a few hundred thousand pounds; but would have had the same political result, and left no bitterness behind. Jay's treaty is largely responsible for the American popular tradition that British diplomatists are more to be feared than British battleships.

Washington read the treaty with dismay. In his usual deliberate manner he gathered the opinions of his advisers; and decided to accept it, as the only honourable alternative to war.[1] He wrote Morris:

'Peace has been the order of the day with me since the disturbances in Europe first commenced. My policy has been, and will continue to be, while I have the honor to remain in the administration of the government, to be upon friendly terms with, but independent of, all the nations of the earth; to share in the broils of none; to fulfil our own engagements; to supply the wants and be carrier for them all; being thoroughly convinced that it is our policy and interest so to do. Nothing short of self-respect, and that justice which is essential to a national character, ought to involve us in war; for sure I am, if this country is preserved in tranquillity twenty years longer, it may bid defiance in a just cause to any power whatever; such in that time will be its population, wealth and resources.'

While the treaty was still before the Senate in secret executive session, the terms of it leaked out; and a howl of execration went up from one end of the country to the other. Any British treaty would have been opposed by some; and it took a long view like Washington's to see the value of Jay's. Randolph, the Secretary of State, was against ratification, the French Minister actively intrigued against it, but a bare two-thirds' majority was obtained, and the President

[1] The treaty did not reach him until March 1795, and the Senate did not assemble until June.

ratified the treaty on 25 June 1795. It was one of his wisest and bravest acts in a life filled with wisdom and courage.

Nevertheless, there was one last chance that the posts would not be evacuated. In 1796 the House of Representatives threatened to wreck the treaty by withholding supply for the mixed commissions; but a powerful speech by Fisher Ames obtained just enough votes to prevent the mischief. Michilimackinac, the last frontier post, was evacuated on 2 October 1796, twelve years after the treaty of peace was ratified. Lord Shelburne, who had been responsible for the treaty line so long withheld, wrote to Major William Jackson in 1797:

'I cannot express to you the satisfaction I have felt in seeing the forts given up . . . the deed is done; and a strong foundation laid for eternal amity between England and America. General Washington's conduct is above all praise. He has left a noble example to sovereigns and nations; present and to come.'

XIII

THE FRONTIER GATES SWING OPEN

1794–8

1. *The Fallen Timbers*

WHILE Jay was absent on his mission, General Wayne gave the Northern Indians a tragic proof of their folly in listening to Simcoe. In October 1793 he moved the 'Legion of the United States', a regular army of two thousand men, into winter quarters at the site of Greenville, in the heart of the Ohio wilderness. 'Mad Anthony', as his men called Wayne for his reckless courage, had a cool head. His communications were assured by six fortified posts, and by constant vigilance. An admirable disciplinarian, he trained his troops in the technique of forest warfare, and the redskins gave them plenty of practice. Several hundred Kentucky mounted riflemen, as hard-bitten a lot of troopers as ever swung steel, dressed in coon-skin caps and buckskin hunting shirts, and mounted on wiry, cat-like nags that responded to the hideous clamour of the war-whoop as to a view-hallo, joined him in the spring of 1794.

Simcoe, convinced in spite of repeated official denials that Wayne's real objective was Detroit, strengthened his new fort on the Maumee and bent all his energy to mobilizing the Indians. Cautious counsels from the Home Office went unheeded. Wampum belts, 'speeches', even Yankee scalps obtained in early skirmishes, were sent out by forest trails, in order to induce all the braves to join. Provisions, blankets, muskets, powder and ball, and vermilion war-paint, were dispensed from Government depots and arsenals to the enemies of a country with which His Britannic Majesty was at peace.

When the oak leaves were fully out and nature's ambush was complete, the Indians attacked Wayne's fort. After beating them off, Wayne took the offensive. Advancing cautiously through the primeval hard-wood, protected by a screen of picked scouts, he debouched into the Erie plain, and found himself in the granary of the Indians. The margins of the Maumee and the Glaize were one continuous village, with log-cabins, fruit-trees, and fields of rustling maize extending to the forest edge. In the midst of these savage gardens Wayne built Fort Defiance, a stockade with block-house bastions. There he offered peace once more, and once more it was rejected. The Indians retreated to the vicinity of the new British fort, and took cover behind a natural stockade of fallen trees. There were fifteen hundred to two thousand of them: Miamis under Little Turtle who had ambushed St. Clair in 1791, Black Wolf with his Shawnee, the 'three fires' of the Ottawa, Chippewa, and Potawotomi under Blue Jacket, Sauk and Fox from Lake Superior, a few Iroquois die-hards, and seventy white Canadian rangers under an old loyalist captain. On 20 August Wayne marched forth to meet them. A squadron of dragoons charged on the Indians' left flank. Both the American captains were picked off, but a lieutenant took command, and the troopers, jumping their game little horses over the fallen timber as in a steeplechase, burst in on the redskins and gave them cold steel. On their front the infantry and riflemen poured in a volley of hot stuff, and charged with fixed bayonets before the Indians had time to reload. In forty minutes it was all over.

The Indians fell back on the British fort at the rapids, with the cavalry hard at their heels. A Campbell was in command of the fort. He ordered Wayne to keep off. The cannon were shotted, and the port fire was lighted. Wayne's men were eager to storm, and give the Britishers a taste of red bayonet; but Mad Anthony

didn't like the looks of the guns. He remembered his instructions to respect the British flag, and kept his men beyond range.

Wayne had done enough. His 'Battle of the Fallen Timbers' scattered the distant tribesmen, and enabled him ruthlessly to destroy the Indian villages and lay waste their cornfields. Fort Wayne was built at the forks of the Maumee, and the legion returned to Greenville, to await envoys of peace.

Lord Dorchester and Governor Simcoe still had enough influence with the Indians to keep them from negotiation by the pleasing hope that Jay would be forced to recognize the Ohio boundary at London. Brant 'hoped our father the king will not forget the Indians as he did in 1783'; but that is just what His Majesty's Government did. As soon as Jay's treaty was signed, Lord Grenville ordered Dorchester to mediate an Indian-American peace on the best basis he could; but the redskins had had enough of that sort of diplomacy. Indian delegations began to pour in on Wayne at Greenville.

On 16 June 1795 there were enough sachems and warriors assembled for Wayne to open the peace conference. Imagine a broad clearing in the forest; the great bark-roofed council house, open at the sides and with a council fire in the middle; on one side of the fire a semicircle of war-chiefs, warriors, and sachems, splendid in their gaudy match-coats, quills, and feathers; on the other General Wayne and his lean officers; a ring of lounging rankers beyond; and a background of hickory, oak, and buckeye trees in the green of early summer. The calumet of peace is passed around, and Wayne opens the conference in the name of the 'Fifteen Fires of America'.

'I take you all by the hand as brothers, assembled for the good work of peace. . . . The Great Spirit has favoured us with a clear sky and refreshing breeze. . . .

'I have cleared this ground of all brush and rubbish, and opened roads to the East, to the West, to the North, and to the South, that all nations may come in safety and ease to meet me. The ground on which this council house stands is unstained with blood, and is as pure as the heart of General Washington, the great chief of America. . . .

'I have this day kindled the Council Fire of the United States: we will now cover it up and keep it alive, until the remainder of the different tribes assemble, and form a full meeting and representation.

'I now deliver to each tribe present a string of white wampum, to serve as records of the friendship that is this day commenced between us.

'The heavens are bright, the roads are open; we will rest in peace and love; and wait the arrival of our brothers. In the interim, we will have a little drink, and wash the dust out of our throats. We will, on this happy occasion, be merry, without however passing the bounds of temperance and sobriety.'

A little drink it had to be, for Greenville was seventy miles from the nearest frontier distillery, and fresh delegations of thirsty redskins came pouring in until warriors and sachems, representing all the tribes between the Great Lakes, the Mississippi, and the Ohio, were assembled to the number of eleven hundred and thirty. The tedious conferences went on through interpreters. The dignified chief Tetabokshke spoke for the Delaware; the thirsty New Corn for the Potawotomi; the officious Mashipinashiwish or Bad Bird for the Chippewa; and Agooshaway for the Ottawa braves. Little Turtle came, sulky and contumacious after a hungry winter among his devastated cornfields; and the plausible Blue Jacket, with an interesting story of Canadian efforts to keep him from the council fire. General Wayne, instructed by the President to require no more land than the Indians had already ceded in 1789, bent his efforts toward obtaining the unanimous consent of the conference. Overlapping claims of various tribes, the stubbornness of Little Turtle, and the

difficulty of adjusting compensation, consumed over six weeks' time, together with enormous quantities of corn and flesh, wampum and whisky.

On 30 July the articles were read, and the assembled warriors gave the shout of assent. Three days passed in eating and drinking while the treaty was engrossed; and on 3 August 1795 the General signed his name, and the chieftains their marks, to the Treaty of Greenville. Tarke, chief of the Wyandot, concluded the conference by presenting Wayne with a large string of blue and white wampum, 'as a token of our being now the children of the Fifteen Fires'.

By this treaty the Indians ceded the south-eastern corner of the North-west Territory, together with several small enclaves such as Vincennes, Detroit, and the site of Chicago, in return for annuities to the value of some ten thousand dollars. So ended almost twenty years of fighting: the last phase of the War of Independence. Peace came to the border from the Genesee country to the Mississippi. Pioneers began to swarm up the valleys of the Scioto and the Muskingum, and in ten years' time their insatiable greed for land made the Treaty of Greenville a mere scrap of paper.

2. *The Whisky Rebellion*

In the very week that Wayne crushed the Indians, President Washington was calling out fifteen thousand militia to put down pale-face rebels in Western Pennsylvania. This Whisky Rebellion, as it was humorously named, tested the ability of the Federal Government to enforce federal law. Hamilton's Excise Act of 1791 appeared as unjust and tyrannical to the Westerners as had the Stamp Act to the Colonists. Beyond the mountains distillation was the only practical method to dispose of surplus maize, unless one had gold to grease the palms of Spanish officials down-river. Whisky also did duty as currency—a gallon jug of the right sort passing as

a shilling in every shop and farm on the western slope of the Alleghanies. Modifications of the excise law, which Hamilton wished to enforce more as a measure of social discipline than as a source of revenue, obtained some measure of compliance in Western Virginia, Kentucky, and North Carolina. Western Pennsylvania, however, was peopled by men of the Ulster breed, who had a moral sanction for their interests and appetites. Covenants were formed never to pay the hated tax; there were masked night-riders, and whippings and other methods of terrorism, sadly familiar even yet in parts of the United States. In 1794, when a federal marshal appeared at Pittsburg with a bundle of writs against delinquent distillers, he and the nearest exciseman were roughly handled. Led by two backwoods demagogues named Bradford and Husband, the people held mass meetings, appointed a committee of public safety, and called out the militia of the four western counties to protect the spirituous liberties of the people. But for the moderating influence of Albert Gallatin, an embryo statesman of the frontier, there would probably have been a declaration of Independence. Governor Mifflin of Pennsylvania minimized the affair, and refused to lend the aid of state forces.

It was the essence of the Federal Constitution that the Federal Government should have a compulsive operation on individuals. Coercion by law was preferred to coercion by arms; but to deal with forcible obstruction of judicial process, Congress was given power 'to provide for calling forth the militia to execute the laws of the Union'. By law, Congress had authorized the President to call out state militia, in such contingency. It remained to be seen whether he would dare exercise the authority, and whether the militia would obey. Washington, on Hamilton's urgent plea, decided to make a test case of the Pennsylvania defiance of federal law.

Everything worked smoothly. The militia of four States, including Pennsylvania, turned out upon the President's proclamation. They were given a good, stiff hike across the Alleghanies in the glorious Indian summer. The more violent leaders of the rebels fled, and the covenanters promptly caved in. Two ringleaders, who were apprehended and convicted of treason, were pardoned by the President. Henceforth, persons and interests who had a grievance against the law, had to carry their State, and evolve the doctrine of State rights as a shelter against federal authority. That form of resistance was not conclusively dealt with until 1865.

Hamilton, unable to support an expensive family on his salary, resigned his office after the Whisky Rebellion was suppressed, and resumed his law practice in New York. His intelligence and judgement had so impressed Washington and the Cabinet that they continued to consult him by letter on all important questions of foreign and domestic policy. On the determination of both, Hamilton's pen was the most powerful single influence until he broke with John Adams, in 1799.

3. *A Settlement with Spain*

Spanish-American relations were badly befogged in 1795, when Jay's treaty came as a clearing breeze. The Baron de Carondelet, governor of Louisiana, continued Miró's policy of cutting out a buffer state from trans-Appalachia, by his method of angling in western waters with golden bait.[1] Not to be outdone by Simcoe, Carondelet established a new fort on American territory, at Chickasaw Bluffs (Memphis), which helped him to control the Mississippi. The Creek and Cherokee nations were persuaded to denounce their treaties of 1790–1 with the United States. This exposed them to attacks from backwoodsmen and land-jobbers of Tennessee and Georgia. One of Genet's disbanded

[1] See above, Chapter V.

major-generals attempted to establish a 'Trans-Oconee Republic'; Wilkinson's conspiracy continued in Kentucky; yet even if Kentucky seceded from the United States, a Spanish-American war could not be much longer delayed.

When Jay's treaty was published, Spain had made her peace with France, at Basel, and was preparing to enter the French system of alliances. Godoy, *el Principe de la Paz*—observing that the Western intrigues had failed—deemed it prudent for Spain to meet the United States half-way, rather than risk losing all Louisiana to American filibusters. In the Treaty of San Lorenzo (27 October 1795) His Catholic Majesty accordingly granted the right to navigate the lower Mississippi, as well as the 'right of deposit' at New Orleans so ardently desired by the West; and recognized the thirty-first parallel as the southern boundary of the United States. It was not, however, until 1798, after exhausting all its rich resource of procrastination, that the Spanish Government evacuated the posts it held north of that line. So that, in all, fifteen years elapsed before the United States obtained control of their own territories from European powers.

XIV

COLONIAL POLICY AND THE PUBLIC DOMAIN 1780–96

1. *Territorial Government*

DURING the Confederation and Washington's first administration the United States worked out a colonial policy. Outward pressure on the frontier then being removed by the treaties of London, San Lorenzo, and Greenville, inward pressure from pioneers forced Congress to adopt a national land policy, and a national Indian policy.

The western problem, which so far we have viewed mainly as a struggle for dominion between the United States and the British and Spanish empires, was, in another and a broader aspect, the colonial problem of the United States. In modern times the process of colonization has brought home authorities into conflict with their colonists on four main questions: political rights, economic relations, public land, and the treatment of aborigines. Such controversies produced the American Revolution; and the first three at least contributed to the Canadian rebellion of 1837–9. If the United States escaped a civil war between East and West, between the people of the original Thirteen States and their pioneer kindred, it was because these problems were quickly put in the way of solution. The process of colonization went on with so little reference to politics, as to obscure the fact that the United States has been the most successful colonizing power in the nineteenth century. No other people have subdued so vast an expanse of wilderness to their own form of civilization in so brief a period of time, with so little human friction.

The American freeman who denied liberty to the

blacks might well have denied equality to his western neighbours. Fortunately a new American colonial policy, Greek in spirit and Roman in form, was adumbrated as early as 1780, and adopted in 1790. At the earlier date the Continental Congress voted that the Western Territory of the United States 'shall be settled and formed into distinct republican States, which shall become members of the Federal Union, and shall have the same rights of sovereignty, freedom and independence as the other States'.[1] The Convention of 1787 incorporated this principle in the Federal Constitution.

In 1780 there was no 'territory of the United States'. In theory the Crown title to ungranted land passed to the individual States of the Union, saving the Indians' right of occupancy. Virginia, New York, Massachusetts, and Connecticut claimed a part, and Virginia the whole of the land between the Lakes, the Mississippi, the Ohio river, and the western boundary of Pennsylvania. Between 1781 and 1785 these States ceded both title and jurisdiction to the nation;[2] and in 1787 the Congress of the Confederation organized a North-west Territory in this region. The Federal Constitution gave Congress the power 'to dispose of, and make all needful rules and regulations respecting the territory belonging to the United States'.

In the same North-west Territorial Ordinance of 1787 Congress bridged the gap between wilderness and statehood by providing a system of limited self-government, which in its essence has been repeated for all the continental and most of the insular possessions of the

[1] Morison, *S. & D.*, p. 203.

[2] Excepting a Virginia reserve for rewarding her veteran soldiers, to which only the jurisdiction was ceded to the nation, and Connecticut's Western Reserve on the shores of Lake Erie, to which the title was retained by the parent State, and the jurisdiction also until 1800. This region of the State of Ohio is still called the Western Reserve.

United States. In the first instance, the North-west Territory was ruled by a governor and judges appointed by the President. When it contained five thousand inhabitants it was to elect a territorial legislature, with the status of a subordinate colonial assembly; and to send a non-voting delegate to Congress. That stage was reached in 1798. The territory was divided into districts, any one of which could become a State on attaining a population of sixty thousand. Ohio, the first State so formed, was admitted to the Union in 1802. In the meantime the greater part of a territory south-west of the Ohio, similarly organized in 1790, had become the State of Tennessee;[1] and a new Mississippi Territory was created in 1798 from land ceded by Georgia.

By this happy device the political colonial problem was solved. A territorial government was dependent on President and Congress, as a crown colony on King and Parliament. The inhabitants of a territory are taxed by Congress without being represented, and have no part in the presidential election. Yet this status has been found tolerable, because temporary. Eight States east of the Mississippi, and all the States west of the Mississippi except Texas and California, have passed through this stage as a prelude to full statehood. Alaska is still within it.

Political equality could no more end the economic controversy between old and newly settled region than the Act of Union could solve the Irish question. The interior States found their interests frequently opposed to those of the Atlantic Commonwealths; and the struggle of the two groups to control national policy cuts across party lines to the present day. This antagonism between seaboard and interior, which may be traced back to the seventeenth century, will doubtless

[1] Kentucky, which separated the two Western Territories, remained a part of Virginia until admitted as a State in 1792.

continue so long as the American West preserves its agreeable diversity from the industrialized East.[1]

2. *Public Land and Democratic Society*

'An operation of Government which has a paramount influence over the happiness of individuals, and the progress of society towards wealth and greatness', wrote Lord Durham in his famous Report of 1839, is 'the disposal, by the Government, of the lands of the new country.' As a model he cited an Act of Congress of 18 May 1796, which confirmed and developed a public land policy determined ten years before.

Every feature of American society that men of Hamilton's stamp disliked—political democracy, rude plenty, undiversified economic system—depended on an ample supply of cheap land for settlers. In the Federal Convention of 1787 Charles Pinckney predicted that the

'vast extent of unpeopled territory, which opens to the frugal and industrious a sure road to competency and independence, will effectually prevent for a considerable time the increase of the poor and discontented, and be the means of preserving that equality of condition that so eminently distinguishes us.'[2]

Albert Gallatin, in the debate on the Land Bill of 1796, said that

'If the cause of the happiness of this country was examined into, it would be found to arise as much from the great plenty of land in proportion to the inhabitants . . . as from the wisdom of their political institutions.'

Forty-three years later Lord Durham asserted 'that the amazing prosperity of the United States is less owing to their form of government, than to the unlimited supply of fertile land, which maintains succeed-

[1] Mr. La Follette's candidature for the Presidency in 1924 marked a temporary and partial secession of the radical western limb of the Republican party.

[2] Debate of 25 June, Farrand, *Records*, i. 400.

ing generations in an undiminishing affluence of fertile soil'.

Yet the converse is also true. Self-government and democracy were necessary conditions of opening the public domain to the American people. In the colonial period, to be sure, they had been treated liberally; but the Imperial Government began attempting to restrict western settlement in 1763. The public land system of Canada, which Lord Durham found 'the most mischievous practical cause of dissension' in that colony, is a fair measure of what the American pioneer would have had imposed upon him if the War of Independence had turned out differently. In order to foster loyalty on the basis of privilege, and check the American tendency to 'wild democracy', Lord Dorchester produced a bureaucratic travesty of the New England township system, with extensive crown and clergy reserves, and enormous free grants to loyalists and officials. During the administration of one Canadian governor, almost a million and a half acres were granted to sixty individuals; yet would-be settlers found it almost impossible to obtain land at a reasonable price.[1]

Some such device for keeping the poor from the land would have been adopted in the United States if men like Hamilton, Jay, and Morris had determined the public land policy. Many influential easterners had land of their own, purchased from the States or from the Confederation, which they wished to dispose of before throwing open the West. Others regarded pioneers as a public nuisance. Hamilton's ideas on the subject were determined by his zeal for national integration, and for a division of American labour. Forty

[1] G. C. Paterson, *Land Settlement in Upper Canada* (Report of Ontario Bureau of Archives for 1921). In Australia, after a period of reckless profusion in favour of large capitalists and public officials, a land system similar to that of the United States was adopted in 1842.

years before Gibbon Wakefield, Hamilton anticipated his theory that dispersion of population was an evil; but for different reasons, and with a different object. Wakefield wished to relieve over-population in England, and to transplant English rural society in the wilderness. Hamilton wished to populate more thickly and exploit more fully his home country, the Eastern States, and to retard migration of any sort. With labour running off to the backwoods, how could one build up manufactures? [1] Washington, however, anticipated Wakefield both in method and in spirit by a letter of 1784, wherein he proposed that the public domain be sold at a sufficient price to deter land-jobbers, but accommodate the more solid sort of settler.

If any member of Congress in 1796 shared Hamilton's views he did not dare avow it. William Smith of South Carolina, who reported the bill, said that the committee had two objects in view: 'to raise revenue, and to sell land in such lots as would be most convenient for settlers.' Madison, who thought the main thing was 'to fill the treasury as soon as possible', was for throwing the whole public domain on the market at once, in lots six miles square, in order to pay off the national debt. Gallatin, a backwoods philosopher of noble birth, pointed out that this wholesale disposal would place the public domain in the hands of

[1] W. S. Culbertson, *Hamilton*, pp. 95–102. Hamilton's policy was not well thought out, for he also wished to use the land to pay off the public debt. He diverted the net proceeds of sales to the sinking fund in 1790. His most interesting and far-sighted suggestion was to have the Government teach improved methods of agriculture; for he perceived that a leading cause of American restlessness was the crude and exhausting method of tillage then prevailing. The principles of the 'Ripon regulations' in New South Wales in 1831 were very similar to Hamilton's: 'to check the extreme facility' of acquiring land, 'to encourage the formation of a class of labourers for hire', as a means of creating a home market, and diversifying occupations. R. C. Mills, *The Colonization of Australia* (London, 1915), p. 163.

speculators. He proposed to encourage a gradual alienation to actual settlers, at a fixed price, in lots of one hundred to six hundred acres. Van Allen of New York made an eloquent plea for small lots, but 'did not wish to be considered as an advocate for an Agrarian Law. He disavowed any such principle.'

The point of view of this Congress, as of its successors, was quantitative rather than qualitative; yet there were a few members who believed the vital question was not how fast the West could be settled, but the sort of West we would have when it was settled. American colonial experience proved that land tenure and distribution largely determined the nature of society. Broadly speaking, New England had been settled by compact groups, detaching themselves successively from the older settlements, and presenting an unbroken frontier line to the wilderness. Each group received from the colonial legislature a designated township, which as a corporation it gradually divided up among the members in parcels of fee simple; retaining much of the woodland and pasturage in common. It was an admirable method for assimilating the wilderness to a definite civilization; but too deliberate, restrained, and social for eighteenth-century pioneers of the Kentucky breed. The proprietary colonies treated their wild land mainly as a source of revenue for the proprietor, who sold it in convenient lots to individual settlers, retaining a quit-rent for himself. In Virginia, and the South generally, the practice of 'indiscriminate location' prevailed. An individual obtained a land warrant,[1] entitling him to so many acres; 'located' then wherever he pleased in the public domain, and received a title from the Crown after performing some rite of cultivation or settlement.

[1] Similar to the 'location tickets' later used in Canada. The warrants were originally granted in Virginia, as two centuries later in Australia, in return for importing and maintaining labourers.

From this method arose the dispersed settlement, large plantations, loose government, and individualism characteristic of the South, as compact village communities were characteristic of New England.

Eighteenth-century individualism had already begun to work upon the New England community spirit, when the American Revolution brought another powerful solvent. Yet, on the whole, the New Englander continued his habit of group settlement; whilst Pennsylvanians and Southerners migrated by individuals and families through the funnel of Western Virginia and Kentucky. The New England way preserved the rudiments of civilization—the church, the common school, and instinct for orderly government, and a way of life that found room for contemplation, if slight place for beauty. The Kentucky pioneer had as good stuff in him as his Yankee contemporary; but circumstances led him to slough off the slight cultural equipment he brought from a society where isolation was the normal condition, and self-assertion the dominant trait. Only a few years ago one could find in log-cabins of the Kentucky mountains, calf-bound volumes of Pope and Johnson that 'great-grandpaw toted over from old Virginny'; but that great-grandson could not read. The Southern pioneer often had to descend to the redskin's level before he could rise again; and the leaven that made him rise was not infrequently furnished by a New England neighbour or by a slaveholder, bringing his Montesquieu and his *Spectator* west with his slaves.[1]

[1] Yet there were plenty of Southern migrants who had the vigour to preserve what they had, and to improve upon it as soon as they could obtain schools for their children. Samuel E. Davis, for instance, had risen from the ranks to a captaincy in a Georgia frontier force; he was a Baptist, a Bible reader, and as keen for education as any Yankee. In 1792 he removed from Georgia to Kentucky, with his wife and children and a slave or two. There he built a 'double-pen' (four room) log house with puncheon floor and lath and clay chimney. The

In the debates of 1796 a few members expressed this qualitative point of view; and, curiously enough, they were not New England members. Robert Goodloe Harper, from the Carolina piedmont, insisted that the first object of a national land policy should be 'to secure order and good government' in the newly settled regions. William Findlay, a Pennsylvania democrat of Irish birth, pointed out that dispersion had caused much unhappiness on the frontier; whilst compact settlement enabled pioneers to obtain good schools and social intercourse. He did not think it practicable to reproduce the New England system absolutely, 'but he would have it approached to'. The nearest approach that Congress could be induced to make was the New England unit and method of survey, as opposed to the Virginia system of indiscriminate location, which had covered most of Kentucky and Tennessee with a triple layer of irregular and conflicting grants. The *township* six miles square, surveyed in compact *ranges* or columns, starting on the western boundary of Pennsylvania, was made the unit of public land. Each township was divided into thirty *sections* of one square mile (640 acres) each. No land was to be placed on sale until surveyed, or surveyed until the Indian title of occupancy was extinguished. This method of survey made for simplicity, cheapness, and a clear title. It set the pattern of the American West; and, later, of the Canadian West. Ranges, townships, and sections marched across the continent with the pioneer, imposing their rigid rectangles on forest, plain, and mountain.[1]

The question of large plots or small was determined

doors were hung on wooden hinges and fastened with wooden buttons, and the logs were pegged together. There his son Jefferson was born in 1809, in the same year and the same State as Abraham Lincoln.

[1] Debates in *Annals* of 4th Congress, i. 328–423, 857–68; text of Act in ii. 2905.

by a compromise, which one member called a wholesale and retail method. The Act of 1796 required alternate townships to be sold in blocks of eight sections; intervening townships in single sections of 640 acres. Government land offices were established at Philadelphia for the sale of the large lots, which it was expected would appeal to moneyed men and speculators, and at Pittsburg and Cincinnati for the sale of the sections, in order to serve the actual settlers. For both large and small lots the method of sale was public auction, at the upset price of two dollars an acre, to be paid by instalments within three years. Salt springs were reserved in order to prevent the monopolizing of that frontier necessity, and four sections in every township were withheld from sale until 1804, in the hope of a higher price. Two dollars an acre was fixed upon as a 'sufficient price' to prevent large areas being engrossed by speculators; and it proved to be adequate for a time. There were very few colonizing companies subsequently. The smallest unit was not too large, or the price too high, for the better sort of pioneer. The three years' credit accorded to purchasers unduly encouraged the settler to buy more land than he could possibly cultivate, in the hope of selling a part to meet the instalments before the final payment came due.[1] Consequently the credit system was abolished in 1820.

The Act of 1796 applied only to the land ceded by the Treaty of Greenville; and, owing to the delay of Congress in making appropriations for surveys, only seven ranges of townships were sold before 1800. In that year Congress lowered the unit of sale to a quarter-

[1] The Confederation sold land for 66 cents an acre to some large companies; and Hamilton, in 1790, proposed to sell the public domain at 30 cents. In 1796 land could be obtained in Maine, New York, and the Western Reserve for as little as 50 cents an acre. Under the Act of 1796 and similar Acts, the United States sold 19·4 million acres up to 1 July 1820, for 47·7 million dollars; but some 5·7 million acres were relinquished for non-payment of instalments.

section of 160 acres. As thus amended the Act was copied for every new acquisition from the Indians in the North-West Territory until 1820.[1] By that time eighteen federal land offices were open for sales to settlers. When Ohio, the first 'public land state', was admitted in 1802 the Federal Government adopted the precedent of retaining title to all ungranted land within the State boundaries, excepting a donation of one section in each township to a state fund for education. Thus the Act of 1796, drafted by ordinary members of an average Congress, set the rhythm of American social development for a century to come.

Until 1825 the frontier in the north-west was advanced mainly by pioneers and settlers of the Kentucky type. Adventurous youths of New England and New York contributed their quota to the army of professional pioneers, who acted as a shock battalion for the permanent settlers. These men, inured to hardship and danger, seldom acquired a title to land, and remained in one spot only long enough to deplete the game, or exhaust their clearings by crude cropping with rude implements. When large plantations cultivated by slave labour became established in Kentucky, the hardened pioneer moved south-west or north-west as a stage in his journey to Texas and the Pacific. Well might Charles Buller envy the United States its pioneers: 'No people are so adapted to encounter the fatigues and privations of the wilderness; none form such efficient pioneers of civilization.'[2] They lightened the labours of the settlers that followed, and provided the trained scouts and sharpshooters for Indian wars.

[1] In 1803 it was extended to the remainder of the Mississippi Territory that was not covered by State grants; and two years later the system of survey was extended to the Louisiana purchase, although the complicated French and Spanish grants prevented the sale of government land west of the Mississippi until twelve years more had elapsed.

[2] *Lord Durham's Report*, iii. 108–9.

Their wild, free life gave America much of its old-time gusto and savour ; and if they left a taint of lawlessness and violence, they also carried forward the robust tradition of individual prowess that has given America its present place in the world.

3. *The Indians*

Closely connected with the land problem was that of Indian relations. Washington believed that friendly relations could not be maintained ' whilst land-jobbing, and the disorderly conduct of our borderers, are suffered with impunity '. Earlier precedents and piecemeal laws were codified and rounded out in another Act of 1796 [1] ' to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers '. The basic principle, which Parliament and Sir William Johnson had vainly tried to enforce in the Thirteen Colonies, was the right of the natives to protection from encroachment by the whites, so long as they kept within recognized boundaries. These were described in the Act by tracing a frontier line, incorporating all previous treaties with the Indians.[2] Beyond this frontier no lease or sale of land was valid, unless by public treaty between a tribal assembly and the United States. Traders must take out a federal licence and obey federal regulations. Superintendents of, and agents for, the Indians, were empowered to enforce the law, and adjust disputes.

In order to give the Indians an opportunity for fair trade, and to push American influence in competition with the organized companies of Canada (which by Jay's treaty had the right to trade with Indians on United States territory), a system of government trading-houses was established. The federal agencies or ' factories ' met with more opposition from private

[1] *Annals* of 4th Congress, ii. 2899, 2909.

[2] See map.

American fur-traders, with whose profits and rapacious methods they interfered, than from the Canadian Scots. After a precarious existence, hampered by red tape and starved by Congress, they were wound up in 1822.[1] Nor did the Act 'to preserve peace on the frontiers' accomplish much. Few Indian chiefs were strong enough to deter young braves from their hobbies of horse stealing and scalp collecting; and neither superintendents nor frontier garrisons could prevent chronic trespassing on Indian lands, which had been going on since the colonies were founded, and which is likely to continue so long as Indians hold lands that white men covet.

In this respect the history of the United States is a close parallel to that of the British Empire. The Federal Government, like the Imperial, has made repeated efforts to protect aborigines from the greed and injustice of their white neighbours. Colonists, in close contact with a race of different colour and 'inferior civilization', have consistently flouted the law, and left the natives the choice of helotry or extermination. If the North American Indian has approached the latter condition, it was because he preferred to die free than to live civilized.

[1] R. B. Way, in *Miss. Val. Hist. Rev.*, vi. 220–35.

XV

THE BREACH WITH FRANCE

1796–1800

1. *An Anglo-American Entente*

THE ratification of Jay's treaty confirmed Lord Grenville in his new policy of cultivating the friendship of the United States, and gave the Federalist party a vital stake in Anglo-American concord. There were still several obstacles to that complete understanding which the Governments of both countries desired. The Republican party made the most of Jay's 'treachery' and Washington's 'ingratitude'; the Royal Navy continued to treat neutral ships with little regard for the wishes of Lord Grenville, and none whatever for the feelings of Americans. Mere personalities who interrupted the new harmony were more easily dealt with. Lord Dorchester resigned in 1796, a scapegoat for the provocative zeal of Simcoe; and there were important changes in the Department of State, and the British legation at Philadelphia.

When Jefferson retired from office on the last day of 1793 Washington promoted Edmund Randolph, his Attorney-General, to the State Department. It was the only serious mistake he ever made in judging men. Randolph, according to Jefferson, had given his principles to one party and his practice to the other: to him the shell, to Hamilton the oyster; but in the State Department Randolph reversed the order. With the French Minister he established a closer and less innocent personal relation than that of Hamilton with Hammond, the British Minister. During Jay's absence in England Randolph and Hammond exchanged acrimonious correspondence on immaterial points, in the manner of peevish schoolboys. Grenville asked Jay to

put a stop to this; and Jay promised to do his best, provided Hammond were recalled. Grenville promptly replaced him by a cautious and discreet Scot named Robert Liston. Before Jay could carry out his part of the compact, Randolph's indiscretions brought him down.

One of the minor privileges of sea-power is that of reading your enemy's dispatches. Towards the end of 1794 the French corvette *Jean Bart*, with dispatches from Citizen Fauchet, French Minister at Philadelphia, was brought to by a British man-of-war. The French captain cast his dispatch box overboard, but a British tar retrieved it, to be read in Downing Street. One of Fauchet's letters referred to certain 'precious confessions', and demands on him for money made by Randolph during the Whisky Rebellion. 'Thus, a few thousand dollars would have decided between war and peace! So the consciences of the so-called American patriots already have their price!' The Foreign Office forwarded this document to the President. Washington, like a Roman father, confronted Randolph with it in cabinet meeting, and asked for explanations. Randolph resigned, and published a thick but unconvincing pamphlet. Just what really passed between him and Fauchet will never be known; but it seems probable that, embarrassed for funds, he 'touched' the French Minister for an advance, ostensibly to procure evidence incriminating England in the Whisky Rebellion.[1]

Randolph's disgrace ended Washington's attempt to govern with a bi-partisan cabinet. The premier secretaryship was now conferred on Timothy Pickering, a

[1] *Report of Amer. Hist. Assoc. for 1903*, ii. 333, 414, 444–51. Hammond, in his dispatch of 29 August 1794 (F. O. 5. 5), reports overtures for British assistance from two individuals purporting to come from the whisky rebels, overtures which Hammond very properly refused to entertain. M. D. Conway, *Omitted Chapters of History* (1888), attempts to defend Randolph.

New England Federalist of the most pronounced type, a puritan who hated the French Republic as the incarnation of evil. In his hands Jay's treaty became a means of closer *rapprochement* with England ; and the attitude of France almost enabled him to stretch this benevolent neutrality into active association.

James Monroe of Virginia had been appointed minister to France in place of Gouverneur Morris. An enthusiastic Republican, Monroe raised unauthorized expectations of American assistance, which made Jay's treaty, by contrast, seem base and treacherous. Arriving in Paris shortly after the fall of Robespierre, Monroe was received by the whole Convention, under the crossed colours of the two republics. With Merlin de Douai he exchanged unneutral speeches as a prelude to the accolade—the fraternal hug in which many a weak nation was smothered. His relations in Paris were mainly with shady characters of the American colony, who paid France in propaganda for their speculative gains at her expense. Washington should not have sent so pronounced an Anglophobe to Paris, while a strong anti-Jacobin was negotiating in London ; but he made a greater mistake by recalling Monroe in 1796, when doing his best to appease the injured feelings of the French Government. The Directory, regarding America as within the British sphere of influence now that Jay's treaty was ratified, suspended diplomatic relations, but retained its minister at Philadelphia as a political agent in the presidential election.

2. *Washington's Farewell Address*

This situation Washington thankfully left to a successor. By refusing to stand for a third term he established the two-term tradition in American politics. Through correspondence and private consultation the Republicans decided to support Jefferson and

Burr for President and Vice-President; the Federalists, John Adams and Thomas Pinckney. Jay's treaty was the central issue of the campaign, to which the French Minister contributed a political pamphlet together with much intrigue. The result was a narrow Federalist victory. Adams obtained the Presidency with 71 votes in the electoral college. Jefferson's 68 votes made him Vice-President by the curious method of choice that then prevailed.[1]

'I now compare myself', wrote Washington on 2 March 1797, 'to the wearied traveller who seeks a resting place, and is bending his body to lean thereon. But to be suffered to do *this* in peace is too much to be endured by *some*.'[2] During his last year in office the President was assailed with a virulence such as few of his successors have suffered. Jefferson, in a private letter which found its way into print, referred to the President as a 'Samson in the field and Solomon in the Council' whose head had been 'shorn by the harlot England'. The Philadelphia *Aurora*, on the morrow of Washington's retirement, proclaimed that 'this day ought to be a Jubilee in the United States . . . for the man who is the source of all the misfortunes of our country, is this day reduced to a level with his fellow citizens'.

Six months previously, on 17 September 1796, Washington summed up his political experience in a farewell address to his countrymen.[3] For a paper ad-

[1] By the 12th Amendment, adopted in 1804 and still in force, each presidential elector votes in distinct ballots for President and Vice-President, instead of simply voting for two persons without designating the office.

[2] *Writings* (Ford ed.), xiii. 375.

[3] The authorship of this address is discussed in W. C. Ford's *Washington*, and in Lodge's edition of Hamilton's *Writings*, vii. 143–5. Washington began it in 1792, when he was thinking of retiring; and the final version was so much the result of an interchange of drafts between him and Hamilton that some of the latter's biographers have

dressed to a people in a peculiar stage of their development, its permanent truth and value are surprisingly great. An eloquent plea for union as *pax Americana* is followed by a pointed exposition of disruptive tendencies: the politician's device of misrepresenting 'the opinions and aims of other districts' in order to acquire influence within his own; the forming of combinations to override or control the constituted authorities; the 'baneful effects of the Spirit of Party', a spirit 'having its root in the strongest passions of the human mind'. As to foreign policy:

'Observe good faith and justice towards all nations; cultivate peace and harmony with all. . . . In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that in place of them just and amicable feelings towards all should be cultivated. The Nation which indulges towards another an habitual hatred or an habitual fondness is in some degree a slave.'

Washington's famous doctrine of isolation is contained in the following sentences:

'Europe has a set of primary interests, which to us have none, or a very remote relation.—Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites us to pursue a different course. . . . 'Tis our true policy to steer clear of permanent alliances, with any portion of the foreign world. . . . Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.'

claimed for him the full credit. There is no doubt that the address owes much of its point and polish to Hamilton's revisions; yet the real authorship was Washington's in a more fundamental sense than the Monroe Doctrine was Monroe's; for the ideas were his.

The Farewell Address fell on deaf ears in a Europe that was ringing with the exploits of a new hero. But there it was written, for whomsoever cared to read, that a new power in the West considered herself outside the European system. It was little heeded in America, where the leading politicians believed that the dearest interests of their respective parties were bound up with England or with France.

A generation passed before Washington's services in time of peace were adequately appreciated in his own country; and as his personality has faded into legend, it has been clothed in army uniform. Washington's unique place in history rests not only on his leadership in war, and his influence in organizing the Federal Government; not merely on his integrity, good judgement, and magnanimity, but also on his courageous stand for peace when his countrymen were clamouring for war. This quiet, plain-speaking gentleman of Virginia glimpsed a truth hidden from his more talented contemporaries: that the means by which a nation proceeds, especially in its adolescence, are more important than the ends which it pursues.

3. *Federalist Apprehensions and French Policy*

When John Adams became President, on 4 March 1797, he found the situation more difficult than Washington had in 1794. Jay's treaty had embroiled the United States with a more powerful and aggressive France than the country that sent Genet to America. Advised by its minister at Philadelphia that Jefferson's party would welcome a little violence against the Federalist shipping interest, the Directory loosed its corsairs against the American merchant fleet. The ensuing French spoliations on commerce made those of Britain in 1793 seem mild in comparison. Victor Hughes, Sonthonnax, and the other ruffians who represented

France in the Windward Islands, made an open traffic of blank letters of marque. Territorial waters were repeatedly violated. Frenchmen at Charleston secretly armed American vessels, which preyed upon American commerce under the authority of forged commissions. Even provision ships sent to the French islands by French consuls were taken and condemned. In June 1797 the Secretary of State reported that over three hundred American vessels had been captured under colour of French authority.

The Directory refused to receive Monroe's successor at Paris, and its official language towards the United States became insolent and provocative. President Adams declared that he would not submit to further indignities, but hoped to maintain Washington's policy of neutrality. Hamilton wished to avoid a rupture with France, until it were known how her negotiations with Britain were coming out. Following the Jay precedent, another effort was made to obtain justice through diplomacy. In order to satisfy the Republicans that he was not seeking a quarrel, Adams appointed Elbridge Gerry, *persona grata* to them and to France; and in order to keep Gerry out of mischief, John Marshall and C. C. Pinckney were joined with him in the mission.

The first year of Adams's administration passed before news arrived from the three ambassadors. In the meantime, the party cleavage became deeper. The Republicans, refusing to believe that the French Government had changed its character since 1792, stoutly defended the spoliations as a proper answer to Jay's treaty. To the Federalists, on the other hand, France had become just such an object of fear and loathing as, in our day, the Soviet Republic has become. Even Hamilton, in reviewing 'the disgusting spectacle of the French Revolution', bemoaned free love and worship of reason, which, he insisted, were still officially supported in Paris.[1]

[1] 'The Stand', in *Works* (1885 ed.), v. 407–9.

A New England clergyman, reading Robison's *Proofs of a Conspiracy*, spread the news that the French Revolution was simply a conspiracy engineered by the Bavarian Illuminati against government, religion, and morality; and that Jefferson was their head agent to subvert American society.[1] This simple explanation of hateful but bewildering phenomena was no less satisfying in 1797 than in 1919, when Nesta Webster revived the hoary hoax.

European events gave reason to those who asserted that France was a world menace. The Directory, in its endeavours to conquer the 'natural frontiers' of France, erected vassal republics beyond by exporting the Jacobinism that it proscribed at home. Holland became the Batavian Republic in 1795, and was sucked dry. Bonaparte then showed what could be done with an efficient army, and in 1797 absorbed the republics of Genoa and Venice. The mutinies at the Nore may have had no connexion with French propaganda; but United Ireland received encouragement from Paris, and in 1798 British Jacobins were toasting the day when a French army would proclaim Tom Paine president of an English Republic.

American Federalists were quick to point the moral of these events, and to predict that the United States would be the next victim.[2] The civilized world was

[1] Stauffer, *New England and the Bavarian Illuminati* (Columbia University Studies, 1918). President Dwight of Yale College did not hesitate to predict in his Fourth of July Sermon of 1798 that Jeffersonian Republicanism meant nothing less than 'our wives and daughters the victims of legal prostitution; soberly dishonoured; speciously polluted . . . our sons become the disciples of Voltaire, and the dragoons of Marat'. Similar arguments, with the Robison *Proofs*, have often been used against liberal and anti-militarist organizations in the United States since the Great War.

[2] Hamilton's *Warning* and R. G. Harper's *Observations on the Dispute between the United States and France* (1797), which ran through seven American and fourteen British editions, were the most important writings in spreading this point of view.

fast dividing into those who had made terms with France, and those who had not; and at the end of 1797 Britain and the United States were the only two countries who had not. 'If England will persevere', wrote Senator Cabot, 'she will save Europe and save us; but if she yields, all will be lost.' 'She is now the only barrier between us and the deathly embraces of our dear Allies—between universal irreligion, immorality and plunder, and what order, probity, virtue and religion is left.' Surely, as in 1917, the alternative was to fight on England's side, or fight alone later.

So reasoned the Federalists in 1797 and 1798. We now know that their fears were exaggerated, for the rulers in Paris were too well informed to try in America their favourite formula of revolution pushed home by invasion. Yet the French designs on Canada, Louisiana, and Florida were more definite and dangerous than even the Federalists supposed. Reviving a policy that brought on the Seven Years War, the Directory sought to cover both flanks of the United States with French territory, and push back their boundaries to the Appalachians. The *habitans* of Quebec were being plied with propaganda for a Canadian republic under French protection. Pressure was brought to bear on the Spanish court to obtain the Floridas and Louisiana, as the French ministers and travellers in America had been urging since 1789. General Collot, who made a reconnaissance in America in 1796–7, stated the argument neatly:

'France must acquire Louisiana and the Floridas by negotiation, and Canada by force, as the only means to contain the United States within peaceful bounds, to break their exclusive relations with England, to preserve our colonies exclusively to ourselves by feeding them with the products of our own soil, and, finally, to recover in both hemispheres that preponderance to which nature entitles us.'

Volney from Philadelphia urged one of the Directors

to 'establish a balance of power in this continent, which . . . will prevent it from adding to the troubles of the old world'.[1] One seems to hear George Canning, a generation later. With the Spanish possessions, the Directory proposed to take over Spain's American policy. In 1796 relations were renewed with Genet's unpaid warriors, a fresh lot of agents was sent into the western country, and Milfort, the self-styled *tastenagy* or great war chief of the Creek nation, was commissioned brigadier-general in the armies of the French Republic.[2]

Before obtaining Louisiana and Florida, the Directory conceived an alternative disposition for them: a bargain with England. During Malmesbury's negotiations at Lille, in 1796–7, the Spanish provinces were frequently mentioned as a compensation to England for renouncing Ceylon and the Cape, or Gibraltar. But for the obstinate refusal of the Spanish court to relinquish Louisiana and Florida, the Lille negotiations with Britain might well have been concluded on that basis. Pitt's Home Secretary had ordered Simcoe, in 1795, to establish relations with American frontiersmen who might be useful in the event of a rupture with Spain. As a result of his efforts, William Blount of Tennessee was expelled from the United States Senate. The British Government cleared itself, in American opinion, from complicity with the Blount conspiracy. But one may well imagine the effect on Anglo-American relations had it been known that Lord Malmesbury, at Lille, was instructed to demand 'the town and port of New Orleans, with a sufficient territory to be annexed to it'.[3]

[1] Report of French Consul at Philadelphia, 18 July 1797, Archives des Affaires Étrangères, C. P., E.-U., xlviii. 46; *Annales Révolutionnaires*, iii. 184; cf. Chinard, *Volney et l'Amérique*, p. 83.

[2] F. J. Turner, in *Amer. Hist. Rev.*, x. 249–79.

[3] R. Guyot, *Le Directoire et la Paix de l'Europe* (Paris, 1911), pp. 232–45, 338–41, 409, 416–17, 428–30.

4. *The X Y Z Mission*

The American peace commission arrived in Paris at an unpropitious moment in October 1797, just as the rupture of the Lille negotiations ended this plan of exchange. In the recent French elections the peace party, which was disgusted with the Government's treatment of the United States,[1] had gained a majority; but on 7 September the venal triumvirate in the Directory pulled off the *coup d'état* of the 18th fructidor, and annulled the election. Shortly after came news of the Treaty of Campo Formio with Austria.

The Directors, at least one of whom had a pecuniary interest in privateering, felt they could with impunity continue *une petite guerre clandestine* against the United States.[2] A comic, if one-sided, bit of bargaining ensued. Talleyrand sent some hangers-on (referred to in the dispatches as X, Y, and Z) to play on the fears of the American envoys, and sound their pockets. A bribe for the minister, and a loan as compensation for Adams's stout message, were the prerequisites to negotiation. Pressed for an alternative, Monsieur Y hinted at the power of the French party in America, and lightly touched upon the fate of Venice, and other recalcitrant republics. Gerry, the Jeffersonian Republican on the American commission, was alarmed by these suggestions, but Pinckney and John Marshall, the Virginian Federalist who later became Chief Justice, were unshaken. Like Pitt, they would have been willing to come down handsomely for some definite concession; but a loan of some two million pounds on doubtful security together with a gift of fifty thousand guineas to Talley-

[1] Pastoret, *Motion d'Ordre sur l'État actuel de nos Rapports avec les États-Unis* (Paris, 1797).

[2] 'Une guerre ouverte pourrait réunir les partis. Une petite guerre clandestine, comme celle que l'Angleterre fait à l'Amérique depuis trois ans, produirait l'effet contraire.'—Notes by Louis Pichon (the future Baron Pichon) in Archives des Aff. Étr., C. P., E.-U., xlvi. 223.

rand, seemed a preposterous price for mere recognition of their diplomatic character. 'Our case is different from that of the minor nations of Europe', Marshall informed Monsieur Y. 'They were unable to maintain their independence, and did not expect to do so. America is a great, and, so far as concerns her self-defence, a powerful nation.' After dancing attendance for several months, Marshall and Pinckney took their leave. Gerry, fondly believing his presence necessary to avert war, remained in Paris.

The envoys' dispatches, recording in detail their strange experiences, reached America early in 1798, and were sent down to Congress by the President. The 'X Y Z dispatches' were published; and the public was deeply moved by this first-hand view of French diplomacy. On the Republicans their effect was stupefying. 'Trimmers dropt off from the party like windfalls from an apple tree in September', wrote Fisher Ames. Jefferson 'thought it his duty to be silent'. Loyal addresses poured in on President and Congress, indignation meetings were held, reams of patriotic poetry were produced, and 'millions for defence, but not one cent for tribute' became the toast of the day.

5. *Naval Hostilities*

Alexander Hamilton, underestimating his old acquaintance Talleyrand, expected the French Government to be so angered by the publication of the dispatches as to lose all sense of its proper interest, and declare war. At his advice the Federalists adopted a policy of armed neutrality, counting on a declaration of war by France to unite all honest men to their standard. Congress created a Navy Department, revived the marine corps, fitted for sea the *United States*, *Constitution*, and *Constellation* frigates, and purchased several smaller vessels that were promptly built by

maritime communities. National ships and armed merchantmen were authorized to capture French armed vessels wherever found. The French treaties of 1778 were formally abrogated.

The British Government, highly delighted at this anti-gallican zeal and vigour, expressed its readiness to receive proposals of alliance, and to grant the United States a free hand in Louisiana and Florida. Lord Grenville proposed to place a naval squadron at the disposal of the United States, in return for reciprocal accommodation as to seamen.[1] The United States, however, preferred to build their own navy. Lord Grenville told the American Minister that Britain 'must look to America instead of Europe, and from its increase and prosperity . . . find what they should lose in Europe'.[2] Unfortunately the Royal Navy looked to America only for prizes and seamen. In November Commodore Loring of H.M.S. *Carnatic* helped himself to five seamen of the U.S.S. *Baltimore*, an act which at any other period would have had grave consequences. The two navies, however, exchanged signal codes, and the two Governments co-operated in dealing with the government of Toussaint l'Ouverture in Hayti.

By the end of 1798 there were fourteen American men-of-war at sea, and some two hundred merchant vessels had taken out letters of marque and reprisal. The picaroons were fairly swept out of West Indian waters, and on 9 February 1799 the *Constellation*, Commodore Truxton, captured off Nevis the crack French frigate *L'Insurgente*. A year later, off Guadeloupe, the *Constellation* (36 guns) chased the *Vengeance* (54 guns) all day, brought her to action at eight in the evening, and fought broadside to broadside within

[1] Grenville to Liston, 8 June 1798, F. O. 5. 22. The 'catch' in this proposal may be seen in a letter of the Duke of Gloucester printed in *The Windham Papers*, ii. 80–1.

[2] C. R. King, *Rufus King*, ii. 393.

pistol-shot until one in the morning. The French commander struck his colours twice during the action, but, luckily for him, Truxton did not perceive it in the smoke and darkness, and lost his mainmast in consequence of the Frenchman's renewed fire. The two vessels drifted apart during the remaining hours of darkness, and the *Vengeance* managed to run down wind into Curaçao, by bending new sails on the stumps of her lower masts. These naval actions had no effect on the Directory, which began to change policy before they happened; but an American navy was at least created, and its officers and men given training for later and more serious hostilities.

6. *Adams, Hamilton, and Talleyrand*

In the congressional elections of 1798–9 the Federalists won a strong majority, which was destined to be their last. Jefferson and his party appeared to be utterly discredited by their French connexion; but time was preparing their revenge. A rift appeared in the Federalist party between the President and Hamilton, and into this rift Talleyrand insinuated a wedge.

It was a difference in objective and in temperament that caused the trouble, as between Pitt and Grenville. President Adams's object was to teach the Directory good manners, and force it to respect the American flag. He was willing to accept war if declared by France, but hoped to avoid it. The bulk of the Federalists agreed, and the public had no reason to believe that any one felt otherwise. Hamilton and the New England Federalists, on the contrary, regarded the French imbroglio not as an affair to be wound up, but as an occasion to be improved. It was to be a starting-point for spirited measures that would strengthen the Federal Government, discipline the American people, reduce the Republicans to the hackney-cab proportions

of the English Whigs, and 'crush the French canker that feeds on our vitals'. For this reason, no less than to meet a French invasion, the regular army was increased, the cadres for a provisional army created, Washington appointed Lieutenant-General, and Hamilton his second in command. Adams growled over these excessive military preparations, but complied.

In order to proceed with the Hamiltonian policy, an open and declared war with France was essential. Self-deceived by their own notions of French aggressiveness, Hamilton and his friends confidently awaited a declaration of war from the Directory, as soon as the published dispatches reached France.

Talleyrand, though annoyed at the exposure of his venality to the amused laughter of all Europe, saw the trap at once. 'The Directory', he reported to them, 'is expected to cry vengeance, and strike back at the American people.'—Let us catch the English and the Federalists 'in the trap they have set for us, by keeping calm; and take revenge merely by renewing negotiations'. No use trying to start a revolution—'Dans aucun pays on ne redoute autant l'anarchie que dans les États-Unis.' From Jefferson had come warning that hostilities would lead to a 'Tory triumph' in the United States; that 'the maintenance of republican principles depends entirely on French prudence'. As an indication of what would happen in case of war, Talleyrand mentioned the proposed exchange of British ships for American seamen, and the proposed partition of Spanish North America—of which he had knowledge even before the official overtures left London.[1]

The Directory approving, Talleyrand used every available channel to communicate its pacific intentions to America. Assurances that any minister the President might send would be received, and no questions asked,

[1] Report of Talleyrand to Directory, 1 June 1798. Archives Nationales, AF III. 64, dossier 263.

were addressed to Elbridge Gerry, to the American Minister at the Hague, and to Dr. Logan, a Philadelphia Quaker who came over in the pious hope of preserving peace.[1] In evidence of sincerity, the French embargo on American vessels was lifted, West-Indian letters of marque were annulled, and the French agents there ordered to respect neutral ships and property. An official explanation of the X Y Z episode was issued, in a tone of injured dignity. The American Ministers, it appeared, had been imposed upon by charlatans. The Directory had intended to treat with them, but they shut themselves up in their hotel, and went off in a huff before they could be received! For just such a cue the discomfited opposition had been waiting in America. Every Republican paper took up the cry that the X Y Z affair was a vulgar hoax.

These evidences of an accommodating spirit took the war Federalists aback—but only for a moment. 'I hope we shall remember', declared Timothy Pickering in January 1799, 'that the tyger crouches before he leaps upon his prey.' It was decided to treat the French overtures as insincere, to continue war preparations, and to declare war on France as soon as Congress convened.

[1] *Proceedings of Mass. Hist. Soc.*, xlix, 1915, 63–78. In consequence of Dr. Logan's mission, Congress passed the 'Logan Act' of 30 January 1799, declaring it a misdemeanour for a citizen of the United States to carry on unauthorized correspondence with a foreign Government, with the intention of influencing a dispute between it and the United States.

XVI

ADAMS SOWS AND JEFFERSON REAPS

1798–1801

1. *Adams strikes for Peace*

A GRANDIOSE plan was forming in Hamilton's brain. He would lead the new American army overland against New Orleans, and the British would co-operate in blockading the mouth of the Mississippi. Louisiana and the Floridas having fallen, Hamilton might march into Mexico, while the Royal Navy, in concert with the South American patriot Miranda, liberated the Spanish main. The American West would be reconciled to a Federal Government clothed in all the panoply of sovereignty. Anglo-American friendship would be cemented by dividing the spoils of Spanish America. Hamilton would return laurel-crowned, at the head of his victorious legion, to become the First Citizen of America, as Bonaparte was already the First Citizen of France.[1]

On 18 March 1799 the war programme was going very nicely in the House. Harrison Gray Otis of Boston, the most eloquent orator on the Federalist side, was speaking on a subsidy bill for privateers. There was a slight commotion near the door, as a messenger entered from the Senate. Parker of Virginia rose and asked for privilege, which Otis graciously accorded. The member from Massachusetts, said the interrupter, is wasting his time, the subsidy bill is already obsolete; for the President has just sent down to the Senate the

[1] Hamilton, *Works* (1885 ed.), viii. 505, 524; Morison, *H. G. Otis*, i. 171–5; C. R. Fish, *American Diplomacy*, p. 135; but see C. R. King, *Rufus King*, ii. 649–66 and *Report of Amer. Hist. Assoc. for 1907*, i. This plan was made known to the French Government by a letter from Collot, 25 June 1798. Archives Nationales, AF III. 64. 263.

nomination of a minister plenipotentiary to the French Republic! Otis turned pale, the Federalists seemed thunderstruck, the Republicans could hardly keep from shouting for joy, and from the general confusion an adjournment was moved and carried.[1]

The President had asserted his prerogative, and brought his country out of the dangerous shoals into which Jay's treaty had led her. March 18, 1799, rather than Jefferson's inauguration two years later, was a turning-point in American history. It had been coming for weeks, but John Adams kept close counsel. He believed the French overtures to be sincere, as indeed they were. His own objective had been attained. Yet the three principal members of his Cabinet, and the leaders of House and Senate, taking their orders from Hamilton, were leading him to an impasse whence war was the only outlet. Some hint of Hamilton's ulterior plans reached the President; and well might he feel, as he wrote in after years, 'This man is stark mad, or I am. He knows nothing of the feelings, the opinions, and prejudices of this nation. If Congress should adopt this system, it would produce an instantaneous insurrection of the whole nation from Georgia to New Hampshire.' John Adams was not a man to argue and convince, as Washington would have done; but he could act. His decision to negotiate with France was made without consulting a single person. Like the hard-case Yankee skipper that he was, honest John kicked the tricky helmsman off the quarter-deck, grasped the wheel, and brought the ship of state back to Washington's course, full and by.

The Adams family have generally been right, but they are uncommonly disagreeable about it; and the President's manner created no less indignation than his

[1] Dispatch of the French consul-general to Talleyrand, 19 March 1799 (Arch. Aff. Étr., C. P., E.-U., li. 61); *Annals* of 5th Congress, iii. 2931.

act. 'From being respectable in Europe, from having convinced Great Britain, and from having associated with all friends to Order, Property and Society, we must once again become soothers and suppliants for peace from a gang of pitiful robbers', wrote one of Hamilton's junto. The Senate was in a sad dilemma. Wishing to reject the nomination of an envoy to France, it dared not meet the Republican charge of prolonging hostilities after the President had initiated peace. It could only compromise and delay, by asking for a commission instead of a single envoy.

Adams consented to dispatch the commission only after official assurance that it would be properly received. The assurance came when the President was at his home in Massachusetts. Secretary Pickering, whom Adams by mistaken kindness had retained in the State Department, procrastinated. The war of the Second Coalition had begun. Bonaparte was bottled up in Egypt. Marshal Suvorov was advancing over the Alps, and Archduke Charles was driving everything before him on the Rhine. Hamilton's party hoped he would soon reach Paris, and restore Louis XVIII, when the United States could join the Allies in peace negotiations with a respectable government.

In October 1799 the President hastened back to the seat of government, and hustled the peace commission aboard an American frigate. It reached Paris in time to deal with Bonaparte, instead of Louis XVIII. The First Consul received them cordially and appointed his brother Joseph as negotiator. For seven months the negotiation dragged, while Napoleon crossed the Alps to thrash the Austrians again, at Marengo. Bonaparte would admit no liability for the French spoliations, unless the United States recognized the treaties of 1778, which Congress had denounced at the height of anti-gallican feeling. No alliance, no money! The Americans, fearing to bring home a renewed entangling

alliance, signed a mere commercial convention, each party reserving its rights as to treaties and spoliations.[1] It was high time to come to terms with France, for the Second Coalition was cracking.

On the very next day, 1 October 1800, France secretly obtained the retrocession of Louisiana from Spain.

Possibly Hamilton was right, after all!

2. *The Alien and Sedition Acts*

While organizing defence and drumming up war enthusiasm, the Federalists did not neglect their real enemies at home. The Naturalization, Alien, and Sedition Acts of 1798 were aimed at domestic disaffection rather than foreign danger. These laws provoked the first organized State rights movement under the Constitution, and promoted the election of Jefferson to the presidency. They afford an instance of political intolerance which is unfortunately a part of the American character, as of human nature.

The parallel was close between the United States of 1798 and the Britain of 1793. Both countries were actually if not formally at war with a country that used propaganda to prepare the ground for invasion. The Federalists, who in most directions saw eye-to-eye with

[1] 30 September 1800; re-signed on the occasion of a fête at Joseph Bonaparte's château de Mortefontaine, after which it is generally called. There is an account of the negotiation in Du Casse, *Hist. des Négociations diplomatiques . . . pour faire suite aux Mémoires du Roi Joseph* (Paris, 1855). The Senate expunged the article as to the old treaty and the spoliations, before ratifying, so fearful it was to leave the 'entangling alliance' a leg to stand on; and Bonaparte, in ratifying for the French Republic, added the characteristic proviso, 'That by this retrenchment the two States renounce the respective pretentions which are the object of the said article'. These 'French spoliations' were formally assumed by the United States as part of the price paid for Louisiana in 1803, and have ever since been the subject of so much litigation in American courts, of repeated lobbyings in Congress, and a source of much income to lawyers. Public vessels taken by each party during the hostilities were returned, but condemned prizes were kept.

the British war party, fully expected to be murdered in their beds as soon as the French landed. In both countries there was an indigenous radical movement, which had many points of sympathy with the French Revolution, and which for other reasons the dominant party wished to discredit and crush. The Alien Act of 1798 was a somewhat softened copy of Pitt's Aliens Act of 1793; and the American Sedition Act was suggested by the Treasonable Practices Act of 1795, as well as the English common law of seditious libel.[1]

Gouverneur Morris remarked in the Federal Convention of 1787 that he wanted none of 'those philosophical gentlemen, those citizens of the world as they call themselves, in our public councils'. The events of 1791–8, however, sent a good many of them to America; and one who came earlier, Albert Gallatin of Geneva, was leading the House minority in 1798. Dr. Priestley, accused of trying 'to decompose both Church and State' with his chemical formulae, had found refuge in Pennsylvania after the Birmingham riots. Thomas Cooper, who followed him, founded an opposition newspaper; and both were very much 'wanted' by the Federalists. The French Minister, Adet, who interfered in the election of 1796, was also a chemist by profession; the French botanist Michaux did espionage for his Government, and Volney was unjustly suspected of being sent on a similar errand. Victor du Pont, son of the economist, was one of the French consuls who had to leave the United States hastily in 1798. At the height of excitement that year, the Directory requested passports for a delegation from the Institute of France, under Du Pont de Nemours, to visit the United States 'with the view of improving and extending the sciences'. John Adams replied, 'We have too many French philosophers already, and I really begin to think, or rather

[1] Cf. 33 Geo. III, c. 4, and 36 Geo. III, c. 7, with Acts of 27 June, 6 July, and 14 July 1798, in Macdonald, *S. D.*, pp. 141–8.

to suspect, that learned academies . . . have disorganized the world, and are incompatible with social order.' [1]

Immigrants who were neither philosophers nor gentlemen gave even more trouble to the Federal Government. In 1793 a stream of noisy Jacobins began to come over. By French consular estimates, there were no less than twenty-five thousand French refugees in the United States in 1798; many of them aristocratic *émigrés*, but most of them attempting to stand in well with the Directory, hoping to return. Agents like Victor Collot were stirring up sedition in the West. Equally unwelcome from the Federalist point of view were the Irish refugees, who lost no time in becoming naturalized and in joining the anti-British party. Rufus King, the American Minister at London, used his influence at court to keep prisoners of 1798 away from the United States; but several, such as Robert Emmet, managed to slip in. A Federalist senator reported that in a journey through Pennsylvania he had seen many Irishmen, who with few exceptions were 'United Irishmen, freemasons, and the most God-provoking democrats this side of hell!'

As of late, the notion that political refugees were engaged in treasonable activities against the United States produced legislation against them. The Naturalization Act of 1798 extended the required period of residence for citizenship from five to fourteen years; the Alien Act gave the President power to expel foreigners by executive decree. Adams never availed himself of the privilege; but two shiploads of Frenchmen left the country in anticipation.

For the Sedition Act of 1798 there was a legitimate need. There being no common law of the United

[1] That particular family of philosophers, the Du Ponts, later settled in Delaware, and for the last hundred years have been engaged in a more respectable mode of disorganizing the world—the manufacture of munitions.

States, the federal courts required statutory authority before taking cognizance of conspiracies against the government, or libels on high officials. One section of the Act, however, declared any speech or writing against President or Congress 'with the intent to defame' or to bring them 'into contempt or disrepute' a misdemeanour punishable by fine or imprisonment; and it was this section only that was enforced. It was practically an adoption of the English common law of seditious libel. In spite of making the truth of the libel a sufficient defence, and a jury trial as additional safeguard, the enforcement of this clause confounded party opposition with crime. Federalists never recognized the value of party opposition, and from their quarter-deck point of view the Republicans were little better than mutineers. About twenty-five persons were arrested and ten convicted, most of them Republican editors who were conveniently got out of the way by heavy fines or jail sentences.[1]

3. *The Kentucky and Virginia Resolves of 1798*

Out of this unwholesome atmosphere of persecution came two startling protests from state legislatures: the resolves of Virginia drafted by Madison, and those of Kentucky drafted by Jefferson. Both declared the Alien and Sedition Acts unconstitutional. As to the Alien Act, there is no getting round the doctrine, later adopted by the Supreme Court, that the power of expelling aliens belongs to the Federal Government not the States. The Sedition Act, however, stands in a different light, for the Constitution (Amendment I) forbids Congress to pass any law abridging the freedom of speech, or of the press. Federalist lawyers, like many American lawyers to-day, attempted to extract all mean-

[1] F. M. Anderson, in *Report of Amer. Hist. Assoc. for 1912*, pp. 115–26.

ing from this clause by assuming Blackstone's definition that freedom of the press is merely freedom from censorship, or by asserting that it was not meant to apply in time of war, or by confounding criticism with libel. But 'the First Amendment was written by men to whom Wilkes and Junius were household words, who intended to wipe out the common law of sedition, and make further prosecutions for criticism of the government, without any incitement to lawbreaking, forever impossible in the United States'.[1] A much more drastic sedition law (the Espionage Act) was passed in 1917, and enforced by sentences far more severe than those of 1798. But the American Revolution was too near in 1798 for an American government to punish opinion with impunity.

It is the theory rather than the arguments of the Virginia and Kentucky Resolves that is significant. The Resolves develop the 'compact' or 'State rights' theory of the Constitution that Jefferson adumbrated in his opinion on the bank bill in 1792. Kentucky declares that whenever Congress palpably transcends its powers, as in the Sedition Act, each State 'has an equal right to judge for itself, as well of infractions as of the mode and measure of redress'. She calls upon her 'co-states' to 'concur . . . in declaring these acts' void, and to unite 'in requesting their repeal'; whilst Virginia hints at 'interposing' state authority between the persecuted citizen and his government.[2]

[1] Z. Chafee, Jr., *Freedom of Speech*, p. 23. Prosecutions in State courts under the English common law of sedition continued to be made, however, for many years after this. Hamilton, who disapproved the Sedition Act, was counsel for one such defendant in 1803.

[2] Macdonald, *S. D.*, pp. 148–60; and see Jefferson's and Madison's *Writings* for their respective drafts. Jefferson used the ambiguous phrase 'that every State has the right . . . to nullify by their own authority all assumptions of power.' This does not appear in the Kentucky Resolves of 1798, but does appear in the Kentucky Resolves of 1799, passed to rebut unsympathetic rejoinders from 'co-states'. A

These principles are not logically expressed, nor is it likely that their implications were yet thought out. Both state legislatures had their eyes on the coming presidential election, and were really engaged in lighting a fiery cross to rally the Republican clans. Yet the principles of the Kentucky and Virginia Resolves of 1798 became a platform to all later movements in State rights. Within ten years the New England Federalists were flinging them back at Jefferson and Madison; and to the Southern particularists of a later generation they became an indispensable gloss on the Constitution.

In any federal government there is a possible conflict between powers of the nation and powers of the states. A minority party, or minority sectional combination, if ridden too hard or too proud to be ridden at all, will try to escape the consequences of its position by raising the banner of State rights. In American history the 'doctrine of State rights' has not been a cause, but an effect of this condition. Almost every man in public life between 1798 and 1860 spurned it when his section was in the saddle, and embraced it when his constituents deemed themselves oppressed. Almost every State in turn declared its own absolute sovereignty, only to denounce as treasonable similar declarations by other States.

There is no doubt that the 'Federalist reign of terror', as the Republicans called the militarism and persecution of 1798, alarmed a people who had rather strong notions of liberty. Virginia talked of secession, and purchased arms to resist a possible military coup. Congress kept the new army on foot 'to suppress or prevent rebellion'.[1] Thomas Jefferson alone remained hopeful

letter of John Taylor of Carolina, quoted in A. J. Beveridge, *Life of John Marshall*, ii. 397, apparently inspired Jefferson.

[1] G. Gibbs, *Admin. of Washington and Adams*, ii. 317. A good instance was the 'Fries Rebellion' of 1798–9. The German boors of Bucks county, Pennsylvania, led by an auctioneer crier named John Fries,

and serene. Strong in his faith that the people would 'recover their true sight', Jefferson presided impeccably over the Senate, writing letters far and wide to his political lieutenants, and enjoying the spectacle of Federalists hanging themselves on their own rope. 'Regiments are costly articles everywhere, and more so in this country than in any other', he wrote. 'If this country sees a great army to maintain, without an enemy to fight, there may arise an enthusiasm that seems to be little forseen.' 'Hold on then, like a good and faithful seaman', he wrote a discouraged congressman, 'till our brother sailors can rouse from their intoxication and right the vessel.' It was John Adams, however, who drove the drunken sailors from the quarter-deck—only to bring the ship into port for Thomas Jefferson.

4. *The Election of* 1800–1

If the Directory had only been so accommodating as to land even a corporal's guard on American soil, the presidential election of 1800 might have gone very differently; but as time went on, and no enemy appeared, and the new direct tax was assessed, the patriotic fervour of 1798 faded out. In the meantime there were fresh

resisted the federal officials who were assessing houses for the direct tax of 1798. After the law had been explained to them, and the President issued a proclamation, the 'rebels' quieted down and submitted to the assessment. The Hamilton militarist clique, however, thought this a good opportunity to make an example of a resistance which they suspected the Republicans of fomenting. A large force of militia was sent into the county, and outrages perpetrated on peaceable inhabitants by crack cavalry troops. Several of the former rioters were arrested, brought to Philadelphia, and tried for treason. Fries and two tailors were found guilty, and sentenced to be hanged. It was a flagrant miscarriage of justice, made for political ends. Fortunately, by this time (May 1799) President Adams had recovered control of his administration, and pardoned all three. W. W. H. Davis, *Fries Rebellion* (Doylestown, Pa., 1899).

difficulties with England over impressment, the sedition prosecutions were having their effect, and the Republican editors were throwing out a wide net for political martyrs.

Presidential candidates for the election of 1800–1 were selected by party caucuses in Congress. The Republicans respected the compact between Virginia and New York by deciding to support Jefferson and Burr. The Federalists reluctantly renominated John Adams, with C. C. Pinckney of the X Y Z mission for Vice-President. No sooner was the decision made than the Hamiltonian faction planned to bring in Pinckney over Adams's head, by persuading some presidential elector to throw away a vote that should normally have gone to the President. A Republican paper published a silly letter John Adams had written years before, accusing the Pinckney brothers of British influence, because of their education at Westminster and Christ Church. Hamilton then composed a peppery pamphlet on Adams for private circulation; but Aaron Burr purloined a copy, and had it reprinted for public consumption. A majority of Republican electors was chosen; but as no one of them dared throw away his second vote, Jefferson and Burr tied for first place with 73 votes each, as against 65 for Adams and one less for Pinckney.

The Twelfth Amendment to the Constitution (1802) removed the possibility of a tie between two candidates on the same ticket. But in 1801 the House of Representatives, voting by States, had to choose between Jefferson and Burr, a majority of one State being necessary for election. The Federalists saw an opportunity to thwart their enemies by plumping for Burr, and elect a cynical and pliant politician over a dangerous 'Jacobin'. Party division was so close that during thirty-five ballots, and until 17 February 1801, the House was deadlocked. There was talk of preventing an election, and of civil war. Virginian militia were

preparing to march on the capital, when three Federalists cast blank ballots, and Jefferson was elected President by a majority of two States. At the congressional elections in 1800 the Republicans obtained emphatic majorities in House and Senate; and in 1801 the Federalists went out of power in every branch of government except the Judiciary.

So passed into minority the party which contained more talent and virtue, with less political common sense, than any of their successors. The Federalists went down with colours flying, content 'that in the fall of laws a loyal man should die'; but their usefulness had gone. It had been their task to tame the wild forces set loose by the American Revolution, to integrate discordant elements, to lead an inchoate nation to enduring union. To a remarkable degree they succeeded. But their chosen basis, an oligarchy of wealth and talent, was not sufficiently broad or deep. Their patience and vision were not great enough for their task. Their old-world precepts of vigour, energy, and suppression had become fixed ideas, enclosing them in a network of delusion that set them in antagonism to deep-rooted popular prejudices; and the expanding forces of American life enveloped and overwhelmed them.[1]

[1] W. G. Sumner, *Alexander Hamilton*, pp. 231–40.

XVII

JEFFERSONIAN DEMOCRACY

1801–5

1. *Jefferson's Ambition*

THOMAS JEFFERSON, ruminating years later on the events of a crowded lifetime, thought that his election to the Presidency marked as real a revolution as that of 1776. He had saved the country from monarchy and militarism, and brought it back to its true principles of republican simplicity. But there never had been any danger of monarchy; John Adams had saved the country from militarism, and a little simplicity more or less cannot be deemed a revolution. His defeated rivals, the Federalists, feared that America was in for a turbulent era. With a 'Jacobin' President, a reign of terror could not be far off. Yet the four years that followed were one of the most tranquil of Republican olympiads, marked not by radical reforms or popular tumults, but by the peaceful acquisition of territory as large again as the United States.

The election of 1800–1 brought a change of men more than of measures, and a transfer of federal power from the latitude of Massachusetts to that of Virginia, rather than a weakening of the Federal Government in favour of the States. Jefferson ruled eight years and was succeeded by his Secretary of State, Madison of Virginia. Madison, after eight years, gave way to his Secretary of State, Monroe of Virginia. Monroe ruled eight years, and was succeeded by his Secretary of State, J. Q. Adams. The year 1829, when this second Adams was defeated by a militant democracy, may more properly be termed revolutionary than 1801.

Jefferson was not in any social sense a democrat, and only in a political sense by contrast with his contem-

poraries. A *grand seigneur philosophe* like the Duc de la Rochefoucauld-Liancourt, with a classical education, an exquisite taste, a lively curiosity, and a belief in the perfectibility of man, he was of the eighteenth rather than the nineteenth century. Deeply religious without being a churchman, he had the serenity of one to whom now and then the Spirit has not disdained to speak. The extraordinary ascendancy that he enjoyed in the hearts of the masses was attained without speech-making, military service, or catering to vulgar prejudices. The secret of Jefferson's power lay in the fact that he appealed to and expressed America's better self: her idealism, simplicity, youthful mind, and hopeful outlook, rather than those material, practical, and selfish qualities on which Hamilton based his policy. Jefferson's political object was to prove that people circumstanced like the Americans were ripe for 'a government founded not on the fears and follies of man, but in his reason, on the predominance of his social over his dissocial passions'.[1]

The government that he took over answered this description better than any of its European contemporaries; but it may well be doubted whether Jefferson led his country or mankind any farther towards perfection than Washington and Adams had done. In order to get support, he was forced to give men offices; and Hamilton's financial schemes were mere pleached alleys to the golden vista opened by Louisiana. Yet it was a bold experiment even to attempt to base a government on man's better nature, at a time when France had almost come full circle; and it was something to have kept the country straight to Washington's course in the midst of Napoleonic wars. Jefferson realized that 'an important means of giving free course to this experiment is to keep Europe and its quarrels at a distance',[2] and his foreign policy was aimed at an

[1] To Volney, 20 April 1802. Chinard, *Volney et L'Amérique*, p. 129.
[2] *Ibid.*, p. 130.

isolation that would be cultural and economic as well as political.

Jefferson was sensitive but not sentimental. He loved birds and flowers, lacked a sense of humour, and hated the sight of blood. Unlike most Virginians he did not engage in field sports, and regarded dogs as a useless race, deserving extirpation. But he despised Rousseau's romanticism; and, if he thought mankind perfectible, it was because Americans had advanced so rapidly in his own time. The dead hand of the past had been lifted from their government; why not from their religion and society? And this fastidious gentleman was a finished politician. His inaugural address of 4 March 1801 was eighteenth-century idealism rubbed through the sieve of practical politics. Instead of denouncing the Federalists as monarchists, they were invited to rejoin the true republican church: 'We are all republicans—we are all federalists. If there be any among us who wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.' This government, 'the world's best hope',[1] must not be abandoned 'on the theoretic and visionary fear' that it is not strong enough. 'Sometimes it is said that Man cannot be trusted with the government of himself. Can he then be trusted with the government of others?'

'Separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe', 'possessing a chosen country, with room enough for all descendants to the hundredth and thousandth generation' practising the social virtues, the only thing 'necessary to close the circle of our felicities' is 'a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise

[1] Cf. above, p. 40.

free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labour the bread it has earned '.[1]

If a government of that nature ever was attainable, it was so in the simple rural America that the physiocrats admired. In his inaugural address Jefferson dropped a plain hint that shipowners and manufacturers might expect no favours from him. Yet the net result of his administration was to bring Hamilton's dream of a warlike and industrial nation nearer fulfilment.

2. *Simplicity and Frugality*

Jefferson was fortunate in the circumstances and surroundings of his first administration. His party had a majority in both houses of Congress, and no rival leader was hankering for his place or for the succession. The Treaty of Lunéville and the Truce of Amiens made a breathing-space in the European War, which left him free to concentrate on domestic problems. The civil service had not yet acquired that *esprit de corps* and resourceful obstruction which have thwarted so many reforming statesmen ; and the President had a right to remove any member of it without cause. There was no mess to clear up ; John Adams turned over the administration in superb order. And the Federal Government had been transferred from aristocratic Philadelphia to an appropriate setting for republican simplicity, the new capital city of Washington.

Congress decided in 1790 to fix the federal District of Columbia on the Potomac. President Washington chose the exact site, in a sparsely populated region a few miles up-stream from Mount Vernon, just below the Great Falls of the river. Maryland and Virginia [2]

[1] By the last clause Jefferson meant light taxation ; he had no knowledge of the labour theory of value.

[2] In 1846 that part of the district on the right bank of the Potomac, including the town of Alexandria, was retroceded to Virginia.

ceded their jurisdiction, local landowners were indemnified by federal commissioners, and the capital city of Washington was planned on a generous scale by a French engineer.[1] Ten years had elapsed, but Washington was little more than a cleared space with scattered buildings, between primeval forest and the river. One wing of the Capitol, a graceful Palladian structure on a noble site, was ready for occupancy, and the other wing nearly completed; but the rotunda was open to the heavens. Near by were a few brick houses, wooden cabins of workmen and negroes, and possibly three shops. Pennsylvania Avenue, a broad clearing studded with stumps and alder bushes, led north-westward from the Capitol through a morass to the simple and dignified executive mansion, or White House, designed by James Hoban of Dublin. Here, on higher ground, were a few hundred houses, mostly of wood, the nucleus of the future residential city. Two miles farther to the westward was Georgetown, a comfortable little place that afforded the officials an agreeable change from each other's and their landladies' society. The red clay soil of Washington became fine dust in dry weather and liquid cement in rain; swarms of mosquitoes spread malaria among the new-comers, and inoculated the remainder with a parasitic attitude towards life. Several fine groves of tulip-trees were the only features of natural beauty within the city site. Jefferson's one recorded wish for despotic power was to save these trees from the inhabitants, who proceeded to fell them regardless of property rights, and to sell the logs to

[1] There is some reason to believe that Major L'Enfant's plan—a series of radiating avenues imposed on streets intersecting at right angles—was inspired by that of Christopher Wren for the rebuilding of London after the Great Fire. Jefferson suggested the spacing of the Capitol and the White House. William Thornton, an American, and B. H. Latrobe, an Englishman with a Pennsylvania Dutch mother, designed the Capitol. The two interior wings, still standing, are their work—for the present top-heavy dome they were not responsible.

shivering new-comers. Except for scornful Federalists, and a complaining diplomatic corps, every one made light of the difficulties, and looked forward to some magic transmutation of their backwoods capital into a seat of commerce and the muses,

> Though nought but woods and Jefferson they see,
> Where streets should run and sages ought to be,

as Tom Moore wrote after his visit in 1804. Eventually the 'city of magnificent distances' grew up to its magnificent plan; but until after the Civil War it was squalid and slovenly compared with Baltimore, Richmond, Charleston, or the Northern cities.

Washington, then, was a fit setting for experiments in *laisser-faire*. Members of Congress, forced to leave their wives at home and pig it in boarding houses, finished the public business in annual sessions of three to five months' duration. Written presidential messages were substituted for the annual 'speech from the throne', and the answers from both houses were omitted. As a widower, Jefferson was free to establish a new code of republican etiquette. The White House was open to all comers every morning. Anthony Merry, in full uniform of His Majesty's minister plenipotentiary, was received by the President in morning undress of faded threadbare coat, red waistcoat, corduroy breeches, and slippers. Invitations to dine were issued in the name of Mr. Jefferson instead of The President of the United States. The White House dinners were well cooked by a French chef, and Jefferson's wine bill for one year was twenty-eight hundred dollars. But the rule of *pêle-mêle*, which he adopted to do away with precedence, was not understood by the diplomatic corps or relished by the secretaries' wives; and Washington has since become the most precedence-ridden capital in the western world.

3. *Reform*

Jefferson's inaugural pledge of the honest payment of the public debt, and promise to preserve 'the general government in its whole constitutional vigour' caused joy in the Federalist camp. Hamilton, who had prophesied that his rival would pursue a temporizing rather than a violent system, viewed the inaugural message 'as virtually a candid retraction of past misapprehensions, and a pledge to the community that the new President will not lend himself to dangerous innovations, but in essential points will tread in the steps of his predecessors'. That, in the main, was what Jefferson did. He took over Washington's administrative machine 'in the full tide of successful experiment', but fed a slightly different material into it.

Madison became his Secretary of State. For Secretary of the Treasury he chose Albert Gallatin, an offshoot of aristocratic Geneva who had arrived young in the land of promise, made his living in the backwoods of Pennsylvania, and risen by character and ability to the opposition leadership in the House. He and Jefferson regarded the national debt as a mortgage, to be paid off without delay. Gallatin would even have retained the excise on distilled liquors, which his former constituents had resisted; but Jefferson insisted on removing this detested relic of Federalism, and made his name immortal in the mountains.

Two important reforms were made by Gallatin in treasury practice: a stricter accounting, and detailed appropriations. Hamilton, and indeed all officers of government who handled money, had followed the practice of English Chancellors of the Exchequer, in accounting to the legislature for the moneys that passed through their hands only after they had left office. But a congressional request for financial details, prompted by Gallatin in 1794, procured only a rebuke

for this 'hitherto unusual proceeding' from the great Secretary. 'The consciousness of devoting myself to the public service to the utmost extent of my faculties, and to the injury of my health, is a tranquillizing consolation of which I cannot be deprived by any supposition to the contrary.' Gallatin now did away with these easy-going methods, and introduced a system of strict accountability. It was a reform pregnant with red tape, but an excellent precaution.

Under Washington and Adams, Congress had often appropriated lump sums to the different departments, to spend at their discretion. The Republicans always opposed this feeder to 'executive influence', as violating the sacred principle of separation of powers. Jefferson and Gallatin, with unusual self-denial, now recommended a change, and Congress adopted the practice of detailed appropriations. This led to one of the gravest abuses in the American system, 'log-rolling' and the 'pork-barrel'. Instead of appropriating a lump annual sum for dockyards and post offices, members by trading votes compile unnecessary projects in order to make work for their constituents; as the frontiersmen helped one another in rolling away felled trees. The resulting bill of largely useless expenditure forms the 'pork-barrel' for the sustenance of congressmen against the next election.[1]

Jefferson's remark 'We are all republicans—we are all federalists' caused no little dismay in his own camp. Gallatin's father-in-law asked if enemies were to be kept 'in office to trample upon us'. William B. Giles, the loud-mouthed bully of the Virginia delegation, reminded the President that

'A pretty general purgation of office, has been one of the benefits expected by the friends of the new order of things. . . .

[1] Of late years something has been done by an executive budget system to reform this practice, which is described at its height in Bryce's *American Commonwealth*.

It can never be unpopular to turn a vicious man out and put a virtuous one in his room. . . . Taking it for granted, therefore, that this salutary check will be applied, I take the liberty of mentioning to you a neighbor of mine as properly qualified to fill the office of marshall for this district of Virginia, when the same shall be vacated.' [1]

No one seriously pretended that the federal civil service was inefficient or corrupt; but it was almost completely Federalist. Washington and Adams had never knowingly appointed a member of the opposition to office. Offices were already regarded as proper rewards for public service; and Jefferson's followers were eager to feed at the public crib. Yet, as he complained, functionaries seldom die, and never resign. The only thing to do, then, was to create vacancies by the presidential prerogative of removal. It soon became clear that, in respect of the Federalists, Jefferson 'intended to entice the flock with one hand and belabour the shepherds with the other'.

There was no general purgation, but performance did not square with the bland professions of the inaugural discourse. It was a good instance of what Hamilton called Jefferson's 'ineradicable duplicity'—seeming to say one thing while meaning another.[2]

Although foreign commerce was threatened with neglect, it was actually treated as a distinct and valuable interest until 1807. Neither Jefferson nor Congress tampered with the discriminating tonnage duties, the fishing bounties, or Jay's treaty. Theoretically the whole Republican party was hostile to the army and navy, which, according to John Taylor, would 'only serve to excite wars, squander money, and extend cor-

[1] D. R. Anderson, *Wm. B. Giles* (Menosha, Wis., 1914), pp. 77–8.

[2] President Polk once remarked, 'Mr. Jefferson's plan was to conciliate the North by the dispensation of his patronage, and to rely on the South to support his principles for the sake of those principles'. *Diary*, i. 369.

ruption'. Jefferson reduced the army by a 'chaste reformation', as he called it, from four thousand to twenty-five hundred men.[1] Yet he reduced the naval establishment no farther than an Act of the last Federalist Congress permitted; and he employed the fleet, as neither Washington nor Adams had done, to protect the American carrying trade against the Barbary corsairs. The most brilliant achievements of his first administration were in war and diplomacy.

[1] On the other hand, Congress in 1802 established the military academy at West Point.

XVIII

TRIPOLI AND LOUISIANA

1801–5

1. *The Barbary Corsairs*

FRANKLIN'S reported maxim of the London merchants—'If there were no Algiers, it would be worth England's while to build one'—may be only a saying of Poor Richard. Lord Sheffield, however, had written 'that the Barbary States are advantageous to the maritime powers is certain. If they were suppressed, the little States of Italy, &c., would have much more of the carrying trade. . . . The Americans cannot protect themselves; . . . they cannot pretend to a navy.'[1] The complaisance of great powers for the degenerate successors of Dragut, their toleration of white slavery for others so long as they were able to purchase immunity for themselves, was an aspect of European polity that filled Americans with disgust. Morocco, Algiers, Tunis, and Tripoli quickly discovered that the United States were independent, and preyed upon the American schooners and brigs that passed the Pillars of Hercules. Jefferson, when minister to France, had proposed an international blockade of the Barbary coast, but of course nothing came of it; and Washington, unprovided with a navy by Congress, was forced to follow the European precedent and pay tribute. Almost two million dollars—one-fifth of the annual federal revenue—had been paid out in tribute, ransom, and usance to these squalid barbarians by 1801.

Jefferson, the lover of peace, calculated that force in this instance would be cheaper in the long run. When the pasha of Tripoli, discontented with his annual tribute,

[1] *Observations*, p. 252 n.

repudiated his treaty with the United States, Jefferson dispatched a naval squadron to deal with him. Hostilities began, and continued for several years. The American navy, four thousand miles from its base, starved by a niggardly Congress and an economizing Treasury, operated under most difficult conditions. The Barbary coast, a lee shore during the winter months, could not be properly blockaded. Yet officers and men showed a gallantry and resourcefulness that earned them the esteem of the British service, and the hospitality of Malta and Gibraltar; American traders were able to go their way unmolested, and the final treaty with Tripoli (1805) was more honourable and less expensive than any European power had previously extorted.[1] Tributes continued to be paid to the other Barbary potentates, but Algiers was finally brought to book in 1815, the year before Lord Exmouth's visit.

[1] Two episodes of the Tripolitan war particularly deserve mention. The frigate *Philadelphia* ran on a reef off the town, and was forced to surrender; the crew was enslaved. The Tripolitans managed to float her, and were equipping her for their own use when Lieutenant Stephen Decatur, in a captured lateener with the crew under hatches, managed to slip in alongside, drive the corsairs overboard, set fire to the *Philadelphia*, and escape under the guns of the citadel, without loss. In 1805 William Eaton, the American consul at Tunis, induced the American naval commander on the Mediterranean station to espouse the cause of a pretender to the Tripolitan pashalic, who was then in exile in Egypt. At Alexandria Eaton collected a force composed of an American midshipman and lieutenant, fourteen bluejackets and marines, forty Greeks, a squadron of Arabian cavalry under a native chief, a hundred nondescripts, and a fleet of camels. Under his command, with a Scots lieutenant and a Tyrolese adjutant, this motley A. E. F. marched over five hundred miles across the Libyan desert; and in spite of hardships, Arab mutinies, and the pretender's treachery, managed to reach Derne. The indomitable Eaton then led an attack on the town, in which two American armed schooners co-operated, and captured it. This exploit led to the favourable treaty with Tripoli, but both Eaton and the pretender were let down rather badly by the American Government.

2. *An American Empire*

While Tripoli was being taught a lesson, the boundary of the United States advanced from the Mississippi to the Rocky Mountains.

Louisiana, which comprised the whole of that vast territory,[1] had been in Spanish possession since 1769. Less than one per cent of its area was settled. The Creoles, numbering with their slaves about forty thousand in 1800, were concentrated on both banks of the Mississippi below the thirty-first parallel. There were a few garrisons and trading posts on the west bank of the river between that point and St. Louis, and a few more on the Red River; the rest was in undisputed possession of the redskins. Sugar cane and cotton had recently been introduced from the West Indies, but the province was a drain on the Spanish Exchequer.

We have already seen the importance of the Mississippi River commerce to the American West. The retrocession of this great province from Spain to France, by the secret treaty of San Ildefonso on 1 October 1800, completed the western policy which the successive French governments had followed since 1792. Their main object was to establish a political and commercial base in North America. The First Consul, as soon as his hands were free in Europe, proposed to give France a maritime and colonial empire; to make her the first power in the New World, as in the Old.

As France did not take immediate possession of Louisiana, the Treaty of San Ildefonso was kept secret for over a year. Late in 1801 Jefferson got wind of it, and another event revealed its implications. Bonaparte dispatched an expeditionary force to San Domingo, with orders to suppress Toussaint l'Ouverture's

[1] Including the present States of Louisiana, Arkansas, Oklahoma, Missouri, Kansas, Colorado, Wyoming, Montana, the Dakotas, Nebraska, Iowa, Minnesota.

insurrection, and then take possession of New Orleans and Louisiana. The prospect of a veteran French army at America's back door was not pleasant. On 18 April 1802 Jefferson wrote to the American Minister at Paris:

'The day that France takes possession of New Orleans. . . . We must marry ourselves to the British fleet and nation. We must turn all our attentions to a maritime force' and 'make the first cannon which shall be fired in Europe the signal for . . . holding the two continents of America in sequestration for the common purposes of the united British and American nations. This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us.'

Astounding as this letter may appear, it was a logical development of Jefferson's policy for the last twelve years. Jefferson hated England not *qua* England but *qua* monarchy, militarism, and aristocracy. With the Federalists in power he feared British influence on American social and constitutional development; with Jefferson in power that danger was obviously ended! He was an isolationist in a deeper sense even than Washington; but his experience of the Nootka crisis convinced him that so long as the mouth of the Mississippi was in foreign possession, the United States was in danger of being drawn into every European war. Isolation was not a fact but a goal; and to attain it Jefferson was ready to adopt Washington's formula of 'temporary alliances for extraordinary emergencies'.

As preliminary to the possible marriage Jefferson engaged in a heavy flirtation with England. Her minister at Washington, Edward Thornton, was invited so frequently to the White House that the village gossips were all agog. Jefferson even promised that if Britain would help him to obtain New Orleans, he would see to it that Congress repealed the discriminating tonnage duties. That would have been interesting news, indeed, to the Federalists!

Up to this point Jefferson's Louisiana diplomacy had

been wholly secret; but another event almost forced his hand. Late in 1802 the Spanish Governor withdrew the 'right of deposit' [1] from American traders. This privilege had been guaranteed only for three years by the Treaty of San Lorenzo (1795); but the inhabitants of the Ohio valley, who were annually transhipping a million dollars worth of produce at New Orleans, believed they had secured it for ever. An explosion of indignation followed in the West. The Federalists, delighted at an opportunity to divide Jefferson from his western admirers, fanned the flame and clamoured for war. Jefferson remained serene and imperturbable. His annual message, in December 1802, breathed platitudes of peace, friendship, and economy. In the meantime, some of his friends pushed through Congress an appropriation of two million dollars for 'expenses in relation to the intercourse between the United States and foreign nations'. And in March 1803 the President commissioned James Monroe as envoy extraordinary to France, with the following instructions to himself and to the resident minister, Robert Livingston.

First they were to offer anything up to fifty million francs for New Orleans and the Floridas, which could give the United States the whole left bank of the Mississippi, and the Gulf coast to the eastward. If France refused, three-quarters of the sum should be offered for the Island of New Orleans [2] alone; or space on the left bank should be purchased for an American port. Failing here, they must press for a perpetual guarantee of the rights of navigation and deposit. That was Jefferson's ultimatum. If the last terms were refused, Monroe and Livingston were ordered to 'open

[1] See above, p. 73.

[2] New Orleans is on an island, made by Lakes Pontchartrain and Borgne, the River Iberville, the Mississippi, and two short bayous, or creeks.

a confidential communication with ministers of the British Government', with a view to 'a candid understanding, and a closer connexion with Great Britain'. If a treaty were concluded with Britain, a mutual promise not to make a separate peace with France could not 'be deemed unreasonable'.

Livingston began the negotiation before Monroe sailed; and it made little progress at first.[1] But Napoleon was turning back from the Atlantic and the West towards the Orient. Troops had been poured into San Domingo to the number of thirty-five thousand, but yellow fever swept away those that the blacks did not massacre. Without San Domingo, Louisiana lost half its value to France. The renewal of war with England seemed inevitable. When war came, Louisiana would be Britain's for the plucking. Why not sell it to the United States while there was yet time?

Napoleon reached decisions quickly. On 11 April 1803 he hurled defiance at Lord Whitworth. The same day, when Livingston approached the Minister of Foreign Affairs to repeat his usual arguments for selling New Orleans, Talleyrand suddenly remarked, 'What will you give for the *whole* of Louisiana?' Livingston gasped out that he supposed the United States would not object to paying twenty million francs. 'Too low!' said Talleyrand, 'Reflect, and see me to-morrow.' On the morrow Talleyrand was evasive; but Napoleon had already determined to sell the whole. Monroe arrived in time to meddle, but not to affect the result. On 30 April 1803 the treaty of cession was signed. Sixty million francs were paid for

[1] Livingston's attempt to couple the American claims against France with the proposed cession of territory produced the following priceless reply from Talleyrand: 'Il est tout-à-fait contre les maximes du gouvernement de la République de mêler ensemble les rapports importans et délicats de la politique avec des calculs de solde et des intérêts d'argent'.

the province of Louisiana, as acquired from Spain in 1800, and the United States assumed the claims of its citizens against France. The inhabitants of Louisiana were guaranteed the rights of American citizens, and eventual admission to the Union.

The Louisiana purchase turned out to be the greatest bargain in American history; but in 1803 it seemed quite likely that the United States was paying twelve million dollars for a scrap of paper. Her title was defective on several points. The province was still in the hands of Spain. Bonaparte had never performed his part of the agreement with Spain, which also forbade France to dispose of Louisiana to a third power. The French Constitution forbade the alienation of national territory without a vote of the legislature; and Napoleon's brothers protested against it on that ground.[1] The boundaries were indefinite; how far north Louisiana extended, and whether it included West Florida or Texas or neither, was uncertain.[2] Finally, the treaty was illegal under the American Constitution, by every canon of interpretation ever promulgated by the Virginia Republicans. If the Federal Government, as Jefferson had always claimed, possessed no power not expressly granted, President and Senate had no right to increase the national domain by treaty, much less to promise incorporation in the Union to persons outside its original limits.

Jefferson's scruples on the latter point vanished when a letter arrived from Livingston, urging immediate ratification, before Napoleon could change his mind.

[1] The amusing interview between Joseph, Lucien, and Napoleon, while the last-named was taking a perfumed bath at the Tuileries, is related in T. Jung, *Lucien Bonaparte*, ii. 121–92.

[2] The Treaty of 1803 quotes the Treaty of San Ildefonso, which stipulated that Louisiana should be retroceded 'with the same extent that it now had in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states'.

Jefferson's Virginian friends furnished him with some good Hamiltonian constitutional arguments; and the treaty was ratified by the Senate. On 30 November 1803 Louisiana was formally handed over by the Spanish Governor to the French prefect, who promptly established the *code Napoléon*, and as many other institutions as he could. On 20 December the final transfer to the United States was effected.

'Never was there an administration more brilliant than that of Mr. Jefferson up to this period,' said John Randolph in after years. 'We were indeed in the "full tide of successful experiment". Taxes repealed; the public debt amply provided for, both principal and interest; sinecures abolished; Louisiana acquired; public confidence unbounded.'

XIX

PLOTS AND CONSPIRACIES

1803–6

1. *Crumbling Federalism*

JEFFERSON yearned to convert New England from her perverse Federalist ways. He appreciated the danger of attempting to govern a loosely knit federal union by a sectional party, and hoped by his moderation to persuade the Yankees that their mercantile and shipping interests were safe in Republican hands. Republican gains in the congressional elections of 1802–3 showed that he was succeeding; but the Federalist leaders grew bitter and desperate as their power waned.

To the clergy and party leaders of New England Jefferson's victory was the triumph of democracy; and democracy to them was only another name for terror, atheism, and free love. Wanting the common touch, they believed that the masses in America had the same passions as the Paris mob; that American Republicanism was an admiring sister to French Jacobinism. Roland might be in power, but Danton would surely follow, and presently Bonaparte. 'The principles of democracy are everywhere what they have been in France', wrote Fisher Ames. 'Our country is too big for union, too sordid for patriotism, too democratic for liberty.' New England was yet pure; but the barriers to her virtue were falling. 'And must we with folded hands wait the result?' wrote Senator Pickering of Massachusetts. 'The principles of our Revolution point to the remedy—a separation.'

Thus Virginians like John Taylor had reasoned in 1798, when Virginia was hag-ridden by Hamilton and Pickering. Jefferson then had calmed them with a promise of victory. No such hope could console New

England Federalists for the Louisiana purchase. Their minority was dwindling, and they knew it. Ohio, admitted to the Union in 1802, looked to Virginia for guidance, although largely settled by Yankees. It was certain that the new States to be formed from French Louisiana would follow the same light; and their political weight would be increased by the federal ratio of representation.[1] The annexation of Louisiana, upsetting the balance of power within the Union, absolved New England from allegiance to the Union; at least so the Federalists reasoned. Before 1803 was out the 'Essex Junto' of Massachusetts and the 'River Gods' of Connecticut began to plan a new confederacy, 'exempt from the corrupt and corrupting influence and oppression of the aristocratic democrats of the South': a Northern Confederacy with New England as a nucleus, and New York as a barrier State against Virginia. New England conservatives in 1804, like Southern conservatives in 1861, assumed that a political boundary could protect them from ideas.

Knowledge of the conspiracy was confined to the high churchmen of New England Federalism, and the British Minister at Washington. Hamilton would have none of it. Intrigue was repulsive to his character, and reasoning such as Pickering's to his intellect. Secession was a futile cure for democracy, as he pointed out, since the poison was already present in every Northern State. The conspirators then turned to Aaron Burr.

Burr had carried New York for Jefferson in 1800, and without that State Jefferson would have lost. He had also intrigued with Federalists to be brought in over Jefferson's head as President, when Congress resolved the electoral tie. Once safe in office, Jefferson ignored Burr's wishes in distributing the patronage, and the Republican party dropped him from the presidential ticket in 1804. Burr then decided to contest the

[1] See above, p. 85.

governorship of New York with the regular Republican candidate. In return for Federalist aid in this contest, he agreed, if successful, to swing New York into the Northern Confederacy, and become its president. Hamilton, on hearing of this deal, advised his friends not to vote for Burr, and Burr was defeated. The Federalist conspiracy dissolved. How remote was its chance of success the presidential election of 1804 proved. Jefferson carried all New England save Connecticut, and every other State except Delaware.

Burr was now a ruined politician. He had broken irretrievably with the Republicans, and failed the Federalists. Hamilton was responsible. It was not the first time that Hamilton had crossed his path; it must be the last. On 18 June 1804, six weeks after the New York election, Burr wrote his enemy, demanding 'a prompt and unqualified acknowledgement or denial' of a slur upon his character reported in the press. Hamilton refused to retract, and answered, 'I trust on more reflection you will see the matter in the same light with me. If not, I can only regret the circumstances, and must abide the consequences.'

According to the code of honour observed by the gentry of the South and of New York, such language was an invitation to a challenge; and the challenge quickly came. Hamilton had a wife and seven children dependent upon him, and his affairs were much involved. Burr was a widower, and his only child was married. He was still Vice-President of the United States; but his character was so widely known that a gentleman could refuse to fight him without loss of reputation. Hamilton, who had led troops through heavy fire up to the ramparts of Yorktown, did not need to prove his courage. Further, he believed it murder to kill an adversary in a duel. Yet the infirmity of a noble mind forced him to accept the challenge.

Hamilton was enmeshed in a double net of theory

and ambition. He might differ from the New England Federalists as to the cure for democracy, but he judged the future by their gloomy formula. A crisis was impending. The year 1804 in America corresponded to 1791 in France. Jefferson would disappear like Mirabeau; dissolution and anarchy would follow; finally America would demand a Bonaparte. Hamilton intended to be ready at the call—but no one with a stain or suspicion of cowardice could save his country. So Hamilton went to his doom, resolved to prove his courage and yet not to kill: to reserve and throw away his first fire, in the hope that Burr would miss and honour be satisfied. Aaron Burr did not intend to miss.

At six o'clock on a bright summer morning, 11 July 1804, Hamilton and his second were ferried across the Hudson to a grove of trees under the Palisades, where Burr and his friends were coolly removing fallen branches from the duelling ground. The distance agreed upon was ten paces. When the signal *present* was given, Burr raised his arm slowly, took deliberate aim, and fired. Hamilton received the bullet just below his chest, and as he fell a convulsive movement of the fingers discharged his pistol aimlessly. Death relieved him after thirty hours of intense suffering.

So perished one of the greatest men of the age, for his little faith in the government he had formed, and in the people he had served so well.

2. *The Judicial Barrier*

Aaron Burr fled to Washington, where the President received him amiably, and conferred upon his friends the three best offices in Louisiana Territory. It was not that Jefferson wished to reward the slayer of Hamilton, but that he desired something of Burr. For the Vice-President must preside over the United States

Senate, sitting as a court of impeachment to try Justice Chase of the Supreme Court.

This trial was part of a Republican attack on the federal judiciary. Under Chief Justice Jay the federal courts had exercised their constitutional powers without much opposition. They had, however, made two false steps, and others that were unseemly to Republican eyes. In a case involving land claims, the Supreme Court ordered the State of Georgia to appear before the bar as defendant, and entered judgement against it by default. State susceptibilities, thus aroused, produced the eleventh amendment to the Constitution, forbidding suits against States by citizens of other States or nations.[1] In 1798 certain federal judges, excited by the supposed Jacobin menace, enforced the Sedition Act with excessive severity, and delivered political harangues to grand juries in the best seventeenth-century style. When the last Federalist Congress, in 1801, increased the number of federal courts, President Adams filled all the new places with members of his party, and conferred the Chief Justiceship on John Marshall, a kinsman and enemy to Jefferson. The new President came into power on the crest of a Republican wave, only to find his defeated rivals entrenched in the judiciary; and Chief Justice Marshall defied him, at the first subsequent session of the Supreme Court, by an opinion in the case of Marbury *v.* Madison.

Marbury was a justice of the peace for the District of Columbia, a 'midnight appointment' by President Adams in the last hours of his administration. Madison, the new Secretary of State, refused to deliver his commission to Marbury, who applied to the Supreme Court for a writ of mandamus, under section 13 of the Judiciary Act of 1789. Chief Justice Marshall, delivering the

[1] It is by virtue of this amendment that certain States have been able to repudiate their debts with impunity

opinion of the court (February 1803), first considered the point whether Madison had a right to withhold the commission of a properly appointed official, and decided against the Secretary of State. 'Is it to be contended that the heads of departments are not amenable to the laws of their country?' Mr. Marbury's hopes were dashed by the rest of the opinion, on the point whether the Supreme Court was competent to grant him a remedy. The Federal Constitution, in defining the original jurisdiction of the Supreme Court, did not include the issue of writs to executive officers. The real question, then, was whether the Court should follow section 13 of the Judiciary Act, or the Constitution?

It was Marshall's opinion on this point that has vitally influenced the development of constitutional law in the United States.

'The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? . . . It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it. . . . A legislative act contrary to the Constitution is not law. . . . It is emphatically the province and duty of the judicial department to say what the law is. . . . The particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void; and that *courts*, as well as other departments, are bound by that instrument.'[1]

Judging from the current comment, Marshall's reasoning on this point was generally acceptable; but his rebuke to Madison was strongly resented in administration circles. Jefferson promptly incited some of his henchmen in the House to move an impeachment of certain federal judges. A district judge who had be-

[1] E. Wambaugh, *Cases in Constitutional Law*, pp. 30–3.

come intemperate to the point of insanity was removed by impeachment; and the next victim was being prepared for the sacrifice when Aaron Burr reappeared in Washington.

Justice Chase of the Supreme Court, an American Dr. Johnson in appearance, intellect, and manners, had made himself peculiarly obnoxious to the Republicans. Before a trial for sedition in 1798, he had ordered the marshal to strike off the panel 'any of those creatures or persons called democrats'. Since Jefferson's election he had harangued a grand jury on the evils of manhood suffrage, with pointed references to the Republicans. The House of Representatives presented him for impeachment on several counts of malfeasance and misfeasance in office. Strange to relate, after all that had been said about the danger of monarchical trappings, the Senate was fitted up in imitation of the House of Lords at the impeachment of Warren Hastings. Aaron Burr presided impeccably, the best lawyers in the country were engaged for the defence, and the eloquent Randolph of Roanoke prosecuted for the House. There was insufficient evidence to substantiate the serious charges against Justice Chase; and those that were proved were points of manners rather than of justice. The Republicans in the Senate had the necessary two-thirds majority to convict; but when it came to a vote on 1 March 1805 the impeachment failed.

Had Chase been found guilty, there is reason to believe that the entire Supreme Court would have been impeached, and purged. As it was, this trial proved to be the high-water mark of 'Jacobinism'. Federalism and conservatism rallied under the captaincy of Chief Justice Marshall, and from behind the Supreme Court barricade developed a subtle offensive of ideas—the supremacy of the nation and the sanctity of property—that in due time would leave nothing of Jeffersonian democracy but a memory and a tradition.

3. *Burr's Adventure*

Jefferson, having purchased the whole of Louisiana for little more than half again as much as he had been prepared to pay for a small portion of it, was discontented with the bargain. In the matter of boundaries he believed that the United States had been cheated.

The question whether Louisiana rightfully included Texas and West Florida is a complicated one that need not concern us. Napoleon and Spain insisted that Louisiana included neither; Jefferson and Madison, after examining such maps as they could find, believed that it included both. Jefferson had never wanted the bulk of Louisiana; but he set an exaggerated value upon West Florida,[1] which included Mobile Bay, the only good naval harbour in the Gulf, and the lower courses of the rivers that drained the Mississippi Territory and the Creek Nation. Continued possession of West Florida by Spain would enable her to play the same diplomatic game as in the eighteenth century.

Jefferson never understood the fortuitous combination of European events that procured him Louisiana. He believed it to be due to the diplomatic skill of his friend Monroe. That favourite son of the Virginia dynasty was accordingly sent to Madrid in order to see what could be done with money and threats. The Spanish Government was not in a ceding mood; and the good offices of Napoleon were invoked in vain. One needed a long spoon, and a golden one, to sup with the foreign offices of Europe in the decade between Austerlitz and Waterloo.

For a few weeks during the summer of 1805, Jefferson again talked of offering marriage to the British fleet

[1] That portion of the present States of Louisiana, Mississippi, and Alabama bounded by the thirty-first parallel, the Mississippi River and Lake Pontchartrain, the Gulf of Mexico, and the little Perdido River, between Pensacola and Mobile.

and nation, this time with the Floridas for dowry. His Cabinet dissuaded him. In December the President made a characteristic stroke. Informed by the American Minister at Paris that Napoleon might be persuaded to extort West Florida from Spain if it were made worth his while, Jefferson in his annual message adverted to the Spanish ' aggressions ' in terms that led the people to expect war. Then followed a special and secret message to Congress, hinting at his need for money. The stage was all set for another secret appropriation of two million dollars for ' diplomatic intercourse '.

This message was the signal for a schism in the Republican party. John Randolph of Roanoke, brilliant in intellect, erratic in conduct, but steadfast in the faith of ideal republicanism that had carried Jefferson into office, had for some time been chafing under the yoke of party discipline. Jefferson, he observed, had done little more in his first years of office than spell Federalism backwards ; he was now beginning to spell it forwards again. Randolph followed him to Louisiana, but it was time to call a halt. He now announced that he would stand for no shifting of responsibility ; if the President wanted money, he must ask for it without evasion. Invited to a conference with the Secretary of State, Randolph was told by Madison that ' France wants money, and we must give it to her or have a Spanish and a French war '—a phrase that Randolph promptly published, and that the Federalists did not allow the country to forget. In the end Jefferson got his two million dollars from Congress, but it proved to be useless in a shifting Europe. He lost the support of John Taylor, high priest of Virginia Republicanism ; made an enemy of John Randolph, who for the next eight years assaulted him with scorn and mockery from the floor of the House ; and convinced the Federalists that he was sold to Bonaparte.

The concluding episode of this crucial year in Jeffer-

son's fortunes was the so-called Burr conspiracy, an enterprise that no one has ever fathomed.[1] Before leaving Washington at the expiration of his term as Vice-President, Burr approached the British Minister with an offer to detach the Western States from the Union for half a million dollars. Probably this was a mere blind for obtaining money. Mr. Merry thought well of it and urged his Government to pay, but received no reply. Whitehall was no longer interested in promoting American secession.

Burr then proceeded to the headwaters of the Ohio and floated down the river in a flat-boat. The Westerners, inveterate duellers themselves, were charmed by the polished gentleman and statesman from New York. Herman Blennerhasset, a romantic Irish exile, was fascinated with a plan to conquer Mexico, to make Burr emperor, and himself grand chamberlain or something. In Tennessee Burr met and won Andrew Jackson among others, who proposed to elect him to the Senate. With General Wilkinson, who was still in Spanish pay while Governor of Upper Louisiana and ranking general of the army, Burr discussed some project yet unknown. At New Orleans he got in touch with the Creole malcontents, who regretted Spanish rule, and with an association of American filibusters who were anxious to 'liberate' Mexico. The Catholic bishop of New Orleans and the Mother Superior of the Ursuline convent gave Burr their support and blessing. Returning overland, he found the Westerners everywhere eager for war with Spain. Louisiana had whetted their appetite for Texas, as Jefferson's for Florida. In Washington again, Burr obtained ten thousand dollars from the Spanish Minister, ostensibly for the purpose of defending Spanish America; and then attempted to promote an attack on Mexico. After all, war with Spain was supposed to be imminent. The Venezuelan patriot Francisco de Mir-

[1] McCaleb, *Burr Conspiracy*.

anda sailed from New York on his filibustering expedition early in 1806, with the support of Pitt's Government and the active sympathy of Jefferson's. Why should not Burr lead a similar expedition against Mexico?

Jefferson, however, had taken Burr's measure, and would have no further truck with him. In the summer of 1806 the former Vice-President pushed off once more down the Ohio, with a few flat-boats and sixty followers. The chance of war with Spain had passed; and it is improbable that Burr had anything further in view than to take up a great land claim he had purchased in western Louisiana. General Wilkinson, deciding that Burr was worth more to betray than to befriend, sent a lurid letter to the President denouncing 'a deep, dark, wicked, and wide-spread conspiracy' to dismember the Union. Similar warnings came from loyal Westerners. In the late autumn of 1806 Jefferson issued a proclamation for the arrest of Burr, and put a price on his head. He was apprehended and brought to Richmond for trial, on a charge of treason against the United States.

Although it should have been evident to the meanest intelligence that a western secession from the Union could not be performed by Burr and sixty men, Jefferson left no stone unturned to obtain a conviction. Fortunately for the prisoner, Chief Justice Marshall presided at his trial, and took care that the constitutional definition of treason, 'levying war against the United States or adhering to their enemies', and the constitutional safeguard of 'two witnesses to the same overt act', should be strictly observed. Fortunately, too, John Randolph was foreman of the jury. Burr was acquitted, and sought exile in France. Wilkinson, a traitor to every cause he embraced, retained his command and the confidence of the President.

Acquittal of Justice Chase, defection of John Randolph, frustration as to Florida, and Burr fiasco; the turn in Jefferson's fortunes had come.

XX

THE FOUR LEAN KINE

1805–9

1. *Gun-Boats*

RETURNED to the presidency by an overwhelming majority, Jefferson began his second term on 4 March 1805, expecting to pursue the 'wise and frugal' policy of 1801 to its logical conclusion. Instead, his party began to break up into its constituent sections of land-hungry Westerners, Yankee under-dogs, Virginian Republicans who cared only for principle, and Middle-State democrats who cared little for principle but much for place. Peace in Europe had been the condition of Jefferson's earlier success; but there was to be no peace in Europe for ten years. Before the end of 1805 Napoleon was made supreme on land by Ulm and Austerlitz; and Britain on the sea by Trafalgar. Each side sought to starve or strangle the other by continental or maritime blockade. It was a more difficult situation for the American Government than in the wars of 1792 to 1801. Washington, Hamilton, and Adams had had to deal with but one belligerent at a time; Jefferson was confronted with both at once. A clever diplomatist might conceivably have played off one country against another, if he had possessed an armed force as a stake in the game. But neither Jefferson nor Madison could grasp the realities of Napoleonic Europe, and the President abandoned his energetic naval policy before peace was concluded with Tripoli.

During the Mediterranean hostilities American naval commanders had felt the need of small gun-boats for use in shoal waters and light winds. Jefferson, as civilian administrators are apt to do, snapped at this suggestion for much more than it was worth. Gun-boats

were cheap, they could be hauled out when not in use, and their construction, by numerous petty shipbuilders, made votes. Congress, instead of providing the frigates that the Navy wanted, had sixty-nine gun-boats built by 1807. These wretched little tubs were schooner-rigged, and equipped with a battery of two guns, which in foul weather had to be stowed to prevent the vessel capsizing. When one of them, torn from her moorings by a spring tide and heavy gale, was deposited in a cornfield, some Federalist offered the toast: 'Gun-boat No. 3: If our gun-boats are no use on the water, may they at least be the best on earth!'

2. *Impressment*

Until 1807 Jefferson's principal problems were connected with British sea-power. As soon as the Royal Navy considered the renewal of war likely, it resumed the practice of impressing British subjects from American vessels on the high seas.

Impressment began to disturb Anglo-American relations as early as the Nootka imbroglio. Gouverneur Morris informed the Duke of Leeds that the press-gangs had entered American vessels with as little ceremony as those flying the British flag, and had helped themselves to American citizens. 'I believe, my Lord, this is the only instance in which we are not treated as aliens.' The Duke replied pleasantly that the Americans at least in that respect were treated as the most favoured nation. No British Government ever claimed the right to impress native-born Americans; but until other means were found to recruit the Royal Navy, every British Government claimed the right to impress its own subjects from foreign vessels within British waters or on the high seas. As Britain did not then recognize —nor did America for that matter—the American naturalization was no protection to British-born

seamen. And it was notorious that the high wages in the American merchant marine attracted British subjects, and induced desertion from the Navy.

An American seaman usually carried a passport issued by the collector of the port whence he shipped, and sometimes a birth certificate signed by his parson or a local official. The British naval officers had no means of verifying that class of document, and it was notorious that American passports were forged in large quantities. Further, it was difficult to distinguish Americans from British subjects. When a short-handed man-of-war visited an American merchantman the boarding officer was apt to impress any likely looking lad who had the slightest trace of an Irish, Scots, or English accent.[1] Mistakes were inevitable, and difficult to rectify. Easily ninety per cent of the correspondence of American Ministers at the Court of St. James's had to do with attempts to obtain the release of their compatriots. Each request was transmitted through the Foreign Office to the Admiralty, which generally replied after a long delay that the man in question could not be traced, or could not produce satisfactory proof of his nationality, or did not desire release, or was dead. Many were finally discharged, but probably as many more were unable to get in touch with their government, and served until they found an opportunity to desert, or were killed in action. There were enough instances of brutality and palpable injustice to create something of a ferment in American opinion, quite apart from the question of law.

During the truce of Amiens, when the American Minister at London proposed to negotiate, the Foreign Office wisely referred him to a seaman. Lord St. Vincent, who respected the American Navy for its exploits

[1] It is said that one shibboleth employed by the boarding parties was the word 'peas'. Any seaman who pronounced it 'paise' was adjudged an Irishman, and impressed forthwith.

in the Mediterranean, agreed to exempt American vessels from impressment, unless within British territorial waters. Unfortunately, the initialed agreement went to the Foreign Office on the eve of war with France, when the Admiralty insisted on excepting the narrow seas from its scope. As this would involve American recognition of the doctrine *mare clausum*, the negotiation lapsed (1803).

An harmonious decade of Anglo-American relations was at an end. With the renewal of war, impressments increased, and the old controversies over neutral rights were revived. During the summers of 1804 and 1805 British frigates practically blockaded the port of New York. According to Basil Hall, then a midshipman on H.M.S. *Leander*, every passing vessel was visited and searched, stripped of every seaman 'whom they had reason or supposed or said they had reason to consider' a British subject; and on the slightest suspicion sent to Halifax for trial.[1] American territorial waters were frequently violated in pursuit of French privateers, and zeal for prize money caused the royal instructions to be frequently disregarded. American merchants and shipowners were making such profits out of neutral trade that they remained silent under these indignities, until Sir William Scott, reversing his earlier decision on the *Polly*, announced in the *Essex* case the doctrine of continuous voyages.[2] It was a situation not unlike that of 1793 over the British spoliations in the West Indies. Jefferson followed Washington's example to the extent of negotiation, but no farther.

James Monroe, who became American Minister at London in 1803, shared the Virginian belief that Anglo-American commerce was more vital to Great Britain

[1] Basil Hall, *Fragments of Voyages* (1831), i. 139.

[2] The Americans had eluded the 'Rule of 1756' by landing French colonial produce at an American port, paying duty, relading, receiving the drawback, and proceeding to a port under French control.

than to the United States ; and that it was a ' primary object ' of the British Government ' to check, if not to crush, the growing importance of the United States '. The primary object of the British Government in the year of the Boulogne camp, as in the year of Waterloo and the year of Mons, was to preserve the British nation ; and the only consideration that weighed with them against crushing neutral commerce was the possibility of driving neutrals into the arms of their enemies. Yet there was some truth in Monroe's suspicions. British shipowners regarded the increase of the American merchant marine from half a million tons in 1792 to over a million in 1801, and a million and a quarter in 1807, as their loss. They financed a pamphlet and newspaper campaign against the ' frauds of the neutral flags ' that probably had considerable influence on government policy, as it certainly had on public opinion.[1]

Monroe learned much during his two years' residence at London, and showed a sound grasp of realities during the next negotiations. His master did not. In the instructions that Madison sent to Monroe and to his colleague William Pinckney, the American Government stated three *sine quibus non* that it could hardly have obtained if backed by fifty ships of the line. Impressment must cease ; colonial commerce must be restored to the status anterior to the *Essex* decision ; and indemnities must be paid for confiscations under colour of that rule.

The negotiations began in the summer of 1806, with the ' ministry of all the talents ' in power. Fox, who was anxious to remain on good terms with the United States, appointed Lord Auckland and his nephew Lord Holland to confer with the American envoys. Monroe

[1] James Stephen, *War in Disguise* (1805), the Society of Shipowners' *Collection of Interesting Papers* (1807), and N. Atcheson, *American Encroachments on British Rights* (1808), were the principal pamphlets.

and Pinckney soon realized that it was impossible to obtain the sort of treaty Jefferson wanted; so they followed John Jay's precedent of disregarding their instructions, and signed (31 December 1806) the best treaty they could obtain. It was very similar in character to the Jay treaty which Monroe had vehemently denounced. Britain compromised on her maritime practice, without abandoning any historic principle; and the position of American commerce was improved, without obtaining complete reciprocity. But this treaty, also, was lost. Just before it was signed Napoleon's Berlin decree came out, when the Foreign Office inserted a reservation to the effect that ratification of the treaty would be conditional on the United States promising to resist these new pretensions of France. This reservation was unnecessary and unwise. Monroe's treaty, like Jay's, would almost certainly have embroiled the United States with France; and no self-respecting government could make its engagements with one power conditional upon its conduct toward a third power. The treaty had so little reference to what was in Jefferson's mind that he would probably have urged its rejection upon the Senate even without the reservation. As it was, he did not even submit it to the Senate. And there arrived, with the draft treaty, news of the Order in Council of 7 January 1807, still further narrowing the scope of neutral commerce.

Although there was nothing in the unratified treaty on impressment, Auckland and Holland on behalf of their Government gave Monroe and Pinckney 'the most positive assurances that instructions have been given, shall be repeated and enforced, for the observance of the greatest caution in the impressing of British seamen; and that the strictest care shall be taken to preserve the citizens of the United States from any molestation or injury'.[1] Yet in June 1807 occurred an impressment

[1] 8 November 1806. *Amer. State Papers* (Wait ed.), vi. 330.

outrage that brought the two countries to the verge of war.

A British squadron, stationed within the capes of the Chesapeake in order to blockade some French frigates up the bay, was losing men. The officers had reason to believe that many deserters had taken service in the American Navy, which was notoriously undermanned.[1] An entire boat's crew of the British sloop-of-war *Halifax* deserted, and Jenkin Ratford, the ringleader, insulted his former officer who accosted him in the streets of Norfolk. The Secretary of the Navy then held an investigation of alleged deserters on the United States frigate *Chesapeake*, which was under orders to sail for the Mediterranean. Three native-born Americans who had been impressed into the British service and since deserted were discovered in the *Chesapeake's* crew; but Ratford, who had enlisted under an assumed name, was not detected. Admiral Berkeley, commanding on that station, then ordered his captains to visit and search the American frigate on the high seas, and remove any British deserters found among her crew.

On June 22 the *Chesapeake*, flying the broad pennant of Commodore Barron, got under way from Norfolk Roads. As she passed Lynnhaven Bay, the frigate *Leopard* detached herself from the British squadron and followed; but no one on the *Chesapeake* suspected her intent. When both vessels were about ten miles outside the capes, the *Leopard* luffed up about half a cable's length to windward, and signalled 'Dispatches'. Barron supposed that she wished him to carry mail to

[1] The greater part of the *Philadelphia's* crew, when she ran on the reef off Tripoli, consisted of British subjects. When the Secretary of the Navy, following the *Chesapeake* affair, ordered 'all aliens discharged from our ships', Captain Decatur replied that it could not be done. When the *Constitution* reached Baltimore shortly after, only 241 claimed American citizenship in her crew of 419, which included 52 Englishmen and 97 Irishmen. G. E. Davies, in *Maryland Hist. Mag.*, xiv. 319; Channing, *U.S.*, iv. 370.

Europe, a common courtesy between the two navies in those days. He backed his main topsail and invited the British captain to send a boat on board. The dispatches proved to be Admiral Berkeley's order. Barron, ignorant of Ratford's presence, replied that the only British deserters in his crew were the three impressed Americans above mentioned; and that he could not permit his men to be mustered by any but their own officers. The boarding officer was recalled, and Barron ordered his ship to be cleared for action; but her decks were littered with stores, and most of the guns were unmounted. Eight minutes after the boarding officer went over the side, the *Leopard* fired her full broadside into the helpless American, and poured in two more before Barron could make any return. After three men had been killed and eighteen wounded, and just as the *Chesapeake* fired her first and only shot in the action, Barron struck his flag. His crew were then mustered by the *Leopard's* officers, and the three Americans and Ratford taken off. Barron offered the *Leopard's* commander his sword, which was refused; and the *Chesapeake* limped back to Norfolk.

News of this insult to the flag brought the first united expression of American feeling since 1798. Even the Federalists, who had hitherto defended every move of British sea-power, were confounded. If Jefferson had summoned Congress to a special session, he would have had war at the drop of a hat; and it would have been a far more popular and successful war than the one finally declared in 1812. But Jefferson's serenity was undisturbed. He instructed Monroe to demand apology and reparation in London, and ordered British warships out of American territorial waters. When Congress met, in late October, the President obtained an appropriation of $850,000 for the building of 188 more gunboats, and ordered three of the largest vessels of the small sea-going navy to be laid up in ordinary.

3. *Embargo*

Admiral Berkeley proposed to meet the American complaints by treating New York as Nelson did Copenhagen, and laying the city under contribution as well.[1] But the Foreign Secretary, George Canning, expressed his 'concern and sorrow' at the first news of the *Chesapeake* affair, and his intention to take all proper steps as soon as the facts could be ascertained. Jefferson, however, made reparation impossible by ordering Monroe to accept none that did not include the complete abandonment of impressment on American vessels. Canning sent a special envoy to Washington, but tied his hands by making the readmission of British naval vessels to American waters a prerequisite for opening discussions on the *Chesapeake*. Insult was heaped upon injury by a royal proclamation of 17 October 1807, directing the navy to impress British subjects from neutral shipping to the fullest possible extent.

By the time this order arrived in America the popular ardour for war had cooled; but Congress was ready to follow any lead from the executive. No suggestion of war, or of preparation for war, came from the President. For Jefferson imagined he had England by the throat, and could strangle her by a mere turn of the wrist. For years he had been aching for an opportunity to try commercial exclusion as a substitute for war. The moment had arrived. A private word to one of the faithful in Congress, and in one day, 22 December 1807, it passed the famous Embargo Act. American or other vessels were forbidden to clear foreign, all exports from the United States whether by sea or land were prohibited, and certain specified articles of British manufacture were refused entrance.[2] The Act

[1] *Hist. MSS. Comm., Bathurst MSS.*, pp. 63–5.

[2] The last measure was not, strictly speaking, a part of the embargo of December 1807, but the Non-importation Act of 16 April 1806,

went into effect immediately; and for fourteen months all the American ships that were not already abroad, and could not escape, lay in port or went coasting.

From what particular egg in Jefferson's clutch of theories this chick was hatched it is difficult to say. Possibly he remembered the effect of the non-importation agreements of 1767–70 in procuring the repeal of the Townshend duties. If so, he forgot the failure of the boycott of 1774–5, when John Bull's ire had been aroused. Possibly he was harking back to his dream of physiocratic days, when the French economists besought America to isolate herself from foreign corruption, and Jefferson wrote that he would wish the United States 'to practice neither commerce nor navigation, but to stand with respect to Europe precisely on the footing of China. We should thus avoid wars, and all our citizens would be husbandmen.'[1] More likely, Jefferson was merely carrying out a favourite Virginian theory that the American market was so vital to Great Britain, and American corn, tobacco, and cotton so necessary to her industries, that she would collapse if her intercourse with the United States were interdicted. Madison, as we have seen, proposed commercial retaliation in Congress three times between 1789 and 1794. He had been thwarted in the first instance by the Senate, in the second by Hamilton's influence, and in the third by the Jay mission. It may well be that his sense of frustration lasted until 1807; politicians have long memories for their humiliations. Whatever the parentage of the embargo, it was supported by the people on the ground that it protected the merchant fleet, and in the hope that it hurt Europe more than it did themselves.

Between British Orders and French Decrees, Ameri-

which was passed *in terrorem* to help Monroe and Pinckney's negotiations, but did not go into effect until the embargo was adopted.

[1] *Writings* (Ford ed.), iv. 105.

can vessels could visit no part of the world without rendering themselves liable to capture by one or the other belligerent. The neutrals, wrote Spencer Perceval, 'will have no trade, or they must . . . accept it through us'.[1] But the American merchant marine throve on such treatment; shipowners wanted no protection other than that which the British Navy afforded them. European restrictions merely increased the profit with the risk; and there were plenty of lines of trade open to neutral shipowners who were willing to put up with British inspection and licence, which was far less rigorous than the system during the Great War. At Smyrna, for instance, American ships enjoyed the privileges of the Levant Company and the protection of the British Consul. In 1809 ten American vessels were plying between Smyrna, London, and Malta; and in 1810 a Salem ship that forced the Dardanelles was saved from confiscation by Sir Robert Adair.[2]

Of course there were plenty of leaks in the embargo. 'Bootlegging' of British goods and American products went on over the Canadian frontier, and at Amelia Island near the Florida boundary; but there was much suffering in the seaports. Unemployed seamen and shipwrights emigrated in such large numbers to the British provinces that a sarcastic loyalist called the embargo 'an act for the better encouragement of the British Colonies in America'. In this way most of the English blood was squeezed out of the American marine; press-gangs found good hunting in Halifax and St. John. The greater shipowners who had a fleet abroad survived the embargo very well; but numerous small ones were ruined, and some of the lesser seaports such

[1] Charles Abbot (Lord Colchester), *Diary and Correspondence* (London, 1861), ii. 134.

[2] Lord Teignmouth, in *United Service Mag.* for December 1919; Sir Robert Adair, *Negotiations for the Peace of the Dardanelles* (1845), i. 329–30, ii. 30–3; F. O., 78, 68; S. P. F. A., 132.

as Newburyport and New Haven never recovered their earlier prosperity. Agricultural produce fell, and the interior had to live on its own fat; but cotton, tobacco, and wheat could bear storage better than ships. Consequently the embargo bore most heavily on New England and New York; and it was there that its political effects were felt by the administration.

As a successful weapon of offence, commercial retaliation requires an unusual combination of circumstances, such as actually occurred in 1812. The embargo of 1807–9 was futile. It caused a shortage of provisions in the French Antilles, and of colonial produce in France; but Napoleon confiscated every American vessel that arrived at a French port, on the ground that he was helping Jefferson to enforce the embargo! In the English manufacturing districts the embargo caused some temporary distress, but the usual exports to the United States soon found their way to British American Colonies, where they were transferred to American vessels that were supposed to be coasting.[1] British shipowners were naturally delighted with Jefferson's policy. When the American Minister in London offered to lift the embargo, if Britain would withdraw the Orders in Council, George Canning replied that His Majesty 'would gladly have facilitated its removal as a measure of inconvenient restriction upon the American people!' As J. Q. Adams once remarked, Canning 'had a little too much wit for a minister of state'.[2]

4. *Sedition*

Jefferson's mistake was the Federalists' opportunity. Their strength had been dwindling steadily, even in New England, where in 1807 every state government except Connecticut was Republican. Senator Picker-

[1] L. M. Sears, 'British Industry and the Embargo', *Quarterly Journal of Economics*, xxxiv. 88–113.

[2] *Memoirs*, iii. 337.

ing, the conspirator of 1804, rallied New England opinion by a public letter, roundly asserting that the embargo was dictated by Napoleon, and adopted by Jefferson in the hope of destroying the shipping interest and impoverishing New England. Northern Republicans were restive under a measure that turned their constituents Federalist; and in New York City the embargo produced a schism in the Republican party. When Madison was nominated for the presidential succession by a congressional caucus, the New York legislature placed George Clinton in nomination as an anti-embargo Republican. In Virginia John Randolph's *tertium quid* of 'pure Republicans' revolted from the administration and nominated Monroe, who had been disaffected since the rejection of his treaty. If a union could have been affected between these factions and the Federalists, Madison might have been defeated; as it was, the Federalists carried little but New England, and Madison was elected President by a comfortable majority.

Jefferson intended to maintain the embargo until the Orders in Council or the French Decrees were repealed. In January 1809 Congress passed the 'Force Act', permitting federal officials without warrant to seize goods under suspicion of foreign destination, and protecting them from legal liability for their actions. George III and Lord North had been tender in comparison. The people of New England, now in their second winter of privation and distress, began to look to their state governments for protection; and by this time all the state governments of New England were in Federalist hands. The legislatures hurled back in the teeth of Jefferson and Madison the doctrines of the Kentucky and Virginia resolves of 1798. Massachusetts declared that the Force Act was 'unjust, oppressive, unconstitutional and not legally binding upon the people of this State'. Connecticut resolved that 'whenever our

national legislature is led to overleap the prescribed bounds of their constitutional powers', it becomes the duty of the state legislatures 'to interpose their protecting shield between the right and liberty of the people, and the assumed power of the General Government'. A proposal to summon a New England convention for nullification of the embargo was being discussed in February 1809.

By that time the embargo had been in force fourteen months. The Northern Republicans revolted; and Jefferson was shaken by a battery of resolutions from New England town meetings, some of them threatening secession. A bill for the repeal of the embargo was rushed through Congress, and on 1 March 1809 it was approved by Jefferson. Three days later his term ended, and he retired to Monticello.

The embargo was intended to be the crowning glory of Jefferson's second administration, as Louisiana was of his first. It proved to be worse than futile. It did not alter the policy of Britain or of Napoleon by one hair; it failed to protect the merchant marine. It wasted the fruit of Jefferson's first administration: the creation of a broad, country-wide party in every State of the Union. As Randolph said, the four lean kine ate up the four fat kine. It convinced many good people that the Virginia dynasty was bound to that of Bonaparte; that the Republican party was a greater enemy than British sea-power to American shipping. Henceforth and until the passions aroused by the Napoleonic wars subsided, the Federalist party was British in a sense that the Republican party never had been French; and whatever President Madison might do or neglect to do, he would never have such united support as Jefferson had enjoyed in 1807.

Yet we cannot dismiss Jefferson without admitting that he was one of the greatest of presidents, and the most tolerant of revolutionists. Few men have com-

bined in like degree a lofty idealism with the ability to administer a government. Few minority leaders have resisted when in power, as he did, the temptation to persecute their opponents. Accustomed as we are to the spectacle of patriots and philosophers imposing their policies and dogmas by the most rigid tyranny or cruel oppression, it is a relief to find one who deliberately preferred the slow process of reason to the short way of force. By his forbearance even more than by his acts, Jefferson kept alive the flame of liberty that Napoleon had almost quenched.

XXI

DRIFTING INTO WAR

1809–12

1. Madison *v.* Canning

THE change in the Presidency was not for the better. Madison surpassed Jefferson in knowledge of political science, but lacked his genius for politics and administration. Slight in stature and unimpressive in personality, anxious to please but with an air of perplexity on his wizened features, James Madison was beloved by a few intimate friends, but unable to inspire loyalty in his subordinates, or enthusiasm in the nation. His talent for the marshalling of words in a contest of reason was of little use in dealing with European statesmen who only took the trouble to reason when their cause was desperate.

Madison's inaugural address (4 March 1809) was a colourless echo of Jeffersonian principles. He chose a Cabinet of respectable mediocrities, excepting Gallatin, who retained the Treasury. Yet within six weeks of his inauguration Madison was being hailed as a great peacemaker. Apparently he had reached a settlement with Great Britain.

Congress, in repealing the embargo just before Jefferson went out, substituted an act of non-intercourse with Great Britain and France, and authorized the President to suspend it in respect of either nation that repealed its orders or decrees injuring American commerce. In January 1809 Canning authorized the British Minister at Washington to offer the United States exemption from the Orders in Council, in return for certain stipulations. The United States must (1) lift all commercial interdicts from England, (2) maintain them against France, (3) permit the Royal Navy to help in the enforcement, and (4) expressly recognize the 'rule of

1756'. Now it was quite unnecessary to ask the American Government to abandon its self-respect by accepting (3) and (4) explicitly, since both were implied in the second condition. For, if the Royal Navy captured and British courts condemned an American vessel for trading with France when such trade was prohibited by the United States, the American would have no claim for redress; and the 'rule of 1756' was irrelevant when all trade with the enemy was prohibited. Unless Canning was unusually heedless, his proposal was insincere.[1] In the probable event of its rejection at Washington, he could throw the blame upon Madison or upon the British Minister there, who was David Erskine, a son of the great advocate and an appointee of Fox.

Madison was almost too anxious to reach an understanding. Erskine, as eager as the President, broke the letter of his impossible instructions. It was agreed between him and the Department of State that America would be exempted from the Orders in Council from 10 June 1809, in return for the President exercising his power to restore commercial intercourse with Britain, and maintain non-intercourse with France. If Erskine allowed Madison to save his face by not insisting on express recognition of the implied conditions, Madison conceded still more in consenting to postpone discussion of impressment and the *Chesapeake* affair.

The exchange of notes embodying this agreement took place at Washington on 19 April 1809. Two days later the President performed his part by proclaiming commerce open to Great Britain, and closed to France. It was anticipated that Napoleon would resent this discrimination by declaring war, yet the whole United States rang with Madison's praises. Even the Federalists could no longer accuse the Republicans of subservi-

[1] The situation in the Peninsula was not favourable; and the ministry had lately been attacked in Parliament, by Lord Grenville among others, for its conduct towards America.

ence to Bonaparte. But Madison had reckoned without Canning. His agreement with Erskine was acceptable to *The Times*, but repudiated by Canning (25 May 1809). The Orders in Council were maintained.

No one has been able to explain, much less to justify, Canning's action.[1] The agreement expressly committed the United States against France. It would probably have brought America into armed conflict with France within a year, and would certainly have prevented an Anglo-American war. As if to emphasize his contempt for the American Government, Canning sent 'Copenhagen' Jackson, his favourite instrument for bullying neutrals, to replace Erskine at Washington.

Anglo-American relations now returned to their normal instability. Madison sadly reapplied the Non-intercourse Act against Britain. Mr. Jackson enjoyed some good partridge shooting near the Capitol, but accomplished little else. He and the President engaged in a duel of diplomatic notes, in which each contestant tried to be elaborately insulting without passing the bounds of diplomatic decorum. Finally Madison took umbrage at a suggestion that he had connived at Erskine violating Canning's instructions, and dismissed the British Minister. Jackson returned to England; not, however, without making a triumphal tour of the Federalist States, and recording among his observations of the strange and curious a favourite belief of the Americans 'that their country is destined, at no very distant period, to take a conspicuous and "influential" part in the affairs of the world'.

[1] Canning's official reason, that the agreement left Congress free to repeal the Non-intercourse Act and thus restore commerce with France, was not only insulting to Madison's good faith, but uncandid; for in such an event England could have protected her interests by reissuing the Orders in Council. Henry Adams (*U.S.*, v. 92) surmises that the real responsibility rests on the merchants who had accumulated enormous stocks of colonial produce, and, fearing American competition in the Amsterdam market, protested against the agreement.

2. *West Florida*

The Congress that assembled in December 1809 had no idea what to do, and received no lead from Madison. At length, on 1 May 1810, it passed the so-called Macon's Bill No. 2, repealing and reversing the principle of the Non-intercourse Act of 1809. Macon's Act restored intercourse both with Britain and France, but offered to renounce trading with the enemy to the first power which recognized neutral rights. In the event of either country exempting the United States from its edicts, the President was authorized to inhibit intercourse with the other, provided the latter did not follow suit within three months.

American shipping was soon engaged in making profits under British licence, and in 1811 American tonnage reached figures that were not again attained for twenty years.

Madison took advantage of the interlude in commercial warfare to take a bite of West Florida. The Republican administrations claimed this province with Louisiana; but forbore to enforce their claim while there was hope of inducing the Spanish Government to admit it. In 1810 there were two Spanish governments, and the Spanish Empire was breaking up. Accordingly the inhabitants of that portion of West Florida bordering on the Mississippi, 'self-determined' for the United States, seized Baton Rouge, and were incorporated by presidential proclamation into the Territory of Orleans, which two years later became the State of Louisiana.

John Quincy Adams, American Minister at St. Petersburg, undertook to explain this act to Alexander I. The Emperor bowed and remarked pleasantly, 'On s'agrandit toujours un peu, dans ce monde'.[1]

[1] J. Q. Adams, *Memoirs*, ii. 261. On 14 May 1812 a second bite was taken at Florida, when the district between the Pearl and Perdido rivers was annexed by Act of Congress to the Mississippi Territory.

3. *His Majesty loves the Americans*

Napoleon, who had done a good deal of that sort of thing, found time enough between his campaigns and administrative problems, and divorcing and re-marrying, to cast his eye over Macon's Act, and perceive an opportunity to incorporate the United States in his continental system.

For five years Napoleon had treated American shipping arbitrarily, and the American Government insolently. Champagny, his Minister of Foreign Affairs, observed in a note to the American Minister at Paris, that the Americans ought either 'to tear in pieces their Declaration of Independence and become again subjects of Great Britain', or resist the English Orders that render them 'more dependent than Jamaica, which at least has its assembly of representatives and its privileges' (17 February 1810). In July the American merchantmen at Naples were seized by imperial command, and on 5 August Napoleon ordered the sale of all sequestrated ships and cargoes. But on the same day Champagny informed the American Minister that 'His Majesty loves the Americans', and as proof of his tender solicitude for their prosperity had seen fit to declare 'that the Decrees of Berlin and Milan are revoked, and that after 1 November they will cease to have effect—it being understood that the English are to revoke their Orders in Council'.

The equivocal language of this note was unaccompanied by any such pledge of good faith as the release of sequestrated American vessels. John Quincy Adams warned Madison that it was 'a trap to catch us into a war with England'. But the guileless President snapped at the bait. By a proclamation of 2 November he announced that non-intercourse would be revived against Britain, if in three months' time she did not repeal the Orders in Council.

In London William Pinckney urged repeal on the Foreign Secretary, asserting that the Berlin and Milan decrees were actually revoked. Lord Wellesley could perceive no evidence that they were, and President Madison ignored all evidence that they were not. Every mail brought news of fresh seizures and scuttlings of American vessels by French port authorities and privateers. Yet Madison, with the obstinacy of weakness, insisted that 'the national faith was pledged to France', and on 11 February 1811 forbade intercourse with Great Britain, under authority of Macon's Act. Had the United States formally adhered to Napoleon's continental system, the result would have been no different.

This was the third instance within four years that the United States Government prohibited Anglo-American commerce, in order to procure repeal of the Orders in Council. On the two former occasions, when there was justice in the American complaints, commercial restriction had had no effect. In 1811–12, when the American complaint was grounded on Napoleon's falsehood and deception, circumstances brought the first and only victory for peaceful persuasion—too late to preserve the peace.

The winter of 1811–12 was a bitter one for the English people. Napoleon's continental system had reached its zenith. Save behind the lines of Torres Vedras, all Western Europe was closed to British goods. American non-intercourse shut the only important market yet open save Russia, which Napoleon was forcing into his cordon. A crop failure drove the price of corn to unheard-of figures, and famine was forestalled only by a licensed trade with France. Warehouses were crammed with goods for which there was no market, factories were closing, workmen rioting. Deputations from the manufacturing cities besought Parliament to repeal the Orders, if only to recover their American market. In these critical months several irritating accidents post-

poned the only action that could have maintained peace with America. Pinckney, losing patience with Wellesley's repeated *non possumus*, took his leave in February 1811 ; and the American Legation was in the hands of a young chargé d'affaires when the conciliatory Castlereagh entered the Foreign Office. A war spirit was rising at Washington, but disloyal Federalists told the British Minister that if his Government stood firm, Madison would yield. Spencer Perceval was assassinated just as the end of the Orders was in sight, and the business of reconstituting the ministry brought another and fatal delay. Finally, on 16 June 1812, Castlereagh announced in the House of Commons that the Orders in Council would be suspended immediately.

It was too late. On 18 June 1812 Congress declared war against Great Britain.

4. *Northward the Course of Empire*

The reason for this abandonment of Jefferson's policy at the very point of scoring its first and only success must be sought on the American frontier. It was not that seamen wanted freedom of the seas, but that frontiersmen wanted free land, which could only be obtained at the expense of the Indians and the British Empire.

One may well gasp at the greed of a people who had not yet settled their original limits, who had just doubled their area by the Louisiana purchase, yet hankered for more. The West felt crowded in 1812 for the same reason that England felt crowded in 1612 ; because population had outstripped the supporting capacity of an outgrown economic system. It always seems easier and more manly to relieve a pressure of population by conquest, than by economic adjustments that will enable the land to support more people.

The American frontier was advanced by hunters and

rough-and-tumble pioneer farmers, who purchased their acres from a speculator or a government land-office, cleared a small part of them, cropped their fields until the fertility was exhausted, and then sold out to a more substantial class of emigrants, and moved on. Kentucky and Tennessee and part of Ohio by 1812 were in the hands of farmers who owned slaves (if south of the Ohio), produced wheat, hemp, tobacco, and cotton, planted orchards, built frame instead of log houses, founded schools, churches, and colleges, and were introducing the refinements of the East and the culture of Europe. The pioneer farmer had neither the patience, the knowledge, nor the desire for these things. He was pushed into the less fertile and mountainous regions, or, like Abraham Lincoln's shiftless father, deciding that 'old Kaintuck was no place for a poor man no more', packed his belongings on a raft or wagon, and proceeded west or south. Even the better farmers swelled the tide of migration by their rabbit-like reproduction; and every farmer, then as now, took up more land than he could possibly cultivate, in the hope of selling at a profit.

The pioneer of 1812 was a woodsman. He relied upon standing timber for his building, fencing, and firing; and until the industrial revolution furnished him with substitutes, he shunned the treeless prairies of Illinois and the Far West. The prairies were remote from rivers and streams, and their tough sod was too much for the crude ploughs of the day. The greater part of the Louisiana purchase, moreover, was in the hands of powerful Indian tribes. No land-office for these regions had as yet been opened by the Government. Hence the land-hungry pioneer turned longingly to the forest lands still held by the redskins in Illinois and Indiana; and to a still more accessible region, the fertile, wooded peninsula of Upper Canada, between Lakes Huron, Erie, and Ontario, with its vast uncultivated crown reserves and its sparse population of loyalists.

Down to 1808 or thereabouts, the pioneers had been kept quiet by government purchases from the North-West Indians. The Treaty of Greenville in 1795, following the Battle of the Fallen Timbers, ended a period in which the Indians had on the whole been the aggressors, and began one in which the Americans were decidedly on the offensive. Washington and Adams stood by that treaty. Jefferson professed the most benevolent principles towards the Indians, but coveted their lands in order to keep the United States an agricultural country. He hoped to induce them to abandon hunting and adopt agriculture as their sole means of livelihood, when they would require but a tithe of the lands they still possessed. Eventually, he looked forward to removing them across the Mississippi. Such a policy could be squared with humanity and justice only by protecting the Indians from the whites during the process. Although the Indians faithfully fulfilled their treaty stipulations, white men committed the most wanton and cruel murders on Indians with impunity. It was impossible to persuade a pioneer jury to convict. A good Indian was a dead Indian on the frontier. From time to time a few hungry and desperate chiefs were rounded up by government officials, and plied with oratory and whisky until they signed a treaty alienating for ever the hunting grounds of their tribe; perhaps of other nations as well. Jefferson encouraged the process; and William Henry Harrison, superintendent of the North-West Indians and federal governor of the Indiana Territory,[1] pushed it so successfully that between 1795 and 1809 the Indians of that region parted with forty-eight million acres.[2]

[1] Indiana Territory, created in 1800, included all of the North-West Territory except Ohio, which became a State in 1802. Michigan Territory was detached from it in 1805, and Illinois Territory (including Wisconsin) in 1809.

[2] There is a map of these cessions in *The American Nation*, xii. 259.

5. *Tecumseh and Tippecanoe*

In 1809, then, there came a halt in this process, owing to the efforts of Tecumseh and his brother the Prophet, two noble red men indeed. Tecumseh, son of a Shawnee brave, undertook the task of saving his people. His policy was to reform their habits, to stop the alienation of their land, to keep them apart from the whites, and to weld all the tribes on United States soil into a confederacy. It was a movement of regeneration and defence; menacing indeed the indefinite expansion of the West, but in no sense its existence. The Indians had so decreased in the last decade that scarcely four thousand warriors were counted in the space between the Lakes, the Mississippi, and the Ohio. Opposed to them were at least two hundred thousand white men of fighting age in the Ohio valley.

The partnership of warrior and priest was for a time irresistible. The Prophet kindled a religious revival among the tribes of the North-West, and Indians came from far and wide to listen to his teachings. He actually induced them to give up intoxicating liquor. All intercourse with white men, except for trade, ceased; rum and whisky were refused with disdain. In 1809 Tecumseh and the Prophet began settlement at the Great Clearing, where the Tippecanoe Creek empties into the Wabash river. The whole frontier was alarmed. Indian teetotalers were something new to backwoods experience.

There was, indeed, some cause for alarm; although a similar reform in pioneer habits would have removed it. The Prophet's moral influence extended as far south as Florida, and north-west to Saskatchewan; it was known that he was hostile to the United States, and reported that he was in league with the Governor of Canada. Governor Harrison met the situation with an act that Tecumseh could only regard as a challenge.

Rounding up a few score survivors of tribes whom he frankly described as 'the most depraved wretches on earth', Harrison concluded with them a treaty which deprived Tecumseh of his remaining hunting grounds, and brought the white border within fifty miles of the Tippecanoe. Tecumseh, with justice, declared this treaty null and void. More western nations joined his confederacy; and in July 1811, again assuring Governor Harrison that his object was defensive, he journeyed south to obtain the alliance of the Creeks. Harrison then decided to force hostilities. With the tacit approval of the War Department, he collected a force of about eleven hundred men, and marched them up the Wabash Valley into the Indian country. On 6 November 1811 they encamped hard by Tecumseh's village at the mouth of the Tippecanoe. Envoys from the Prophet brought a pacific message. No Indian had committed a hostile act; but the unprovoked presence of an armed force of white men was certain to furnish the occasion. Before dawn on 7 November a few reckless young braves raised the war-whoop, and pierced the first line of tents. The engagement became general, the Americans were almost surrounded, but after two hours' fighting drove the Indians into a swamp and destroyed their village. Harrison brought his army safely back to Vincennes, and was hailed throughout the West as victor of the 'battle of Tippecanoe'.

Throughout the West it was believed that Britain was behind Tecumseh's confederacy. Since 1795 the Canadian Indian department had supplied tribes under American sovereignty with the customary annual presents, which included fire-arms, but repeatedly urged them to refrain from hostilities; and early in 1812 the customary supplies of ammunition were withheld. It is true that Governor Craig, and his successor Sir George Prevost, encouraged the formation of Tecumseh's confederacy; but no hostilities were contemplated until,

and unless, the United States declared war. Tecumseh's league would have been formed, and Tippecanoe been fought, if there had not been a single Englishman in Canada.[1]

Unfortunately, it is not the truth, but what people believe, that makes history. The notion that every defensive move of the Indians between 1805 and 1812 was due to British machination not only served to cover and excuse the frontiersmen's lust for Canada, but to convince thousands of people who desired no extension of territory that the only safety for the West lay in driving British power from North America. And a new Congress in which this belief and desire became articulate met at Washington just three days before the battle of Tippecanoe.

The congressional elections of 1810–11 had been a landslide. Nearly one-half of the members of the inept House that enacted Macon's Act failed of re-election. A new generation came into power. From Kentucky there was Henry Clay, from Tennessee came 'Citizen' Sevier, and Felix Grundy, who had had three brothers killed by Indians. From western New York came Peter B. Porter, who lived within a gunshot of the Canadian border; and from western South Carolina, John C. Calhoun. These 'war-hawks', as they were called, were far short of a majority; but they quickly combined with other new members to place Henry Clay in the speaker's chair; and the Speaker of the House has the appointment of important committees, including that of foreign relations.

These young westerners, who had never seen the ocean in their lives, and whose communities were completely immune from the influence of Orders in Council and French decrees, quickly learned the vocabulary of neutral rights, and catch-words of the freedom of the

[1] *Report of Canadian Archives for 1893*; W. Wood, *Select British Documents of Canadian War of 1812*, i. 170.

seas. Not content to wrap their desires in the American flag, they cursed Canadian 'scalp-buyers', boasted that Canada could be conquered in six weeks, and elaborated upon the destiny of the United States to reach the North Pole. In vain the Federalists exposed the folly of attacking unprepared a great maritime nation, and denounced the wickedness of helping Bonaparte in his career of conquest. In vain John Randolph poured out his scorn on this 'cant of patriotism', this 'agrarian cupidity', this chanting 'like the whip-poor-will but one eternal monotonous tone—Canada! Canada! Canada!'

While western congressmen voiced their constituents' appetite for Canada, the new members from North and South were scarcely behind them in zeal. Early in 1811 the British fleet had renewed its searchings of American merchantmen, and its impressments of American seamen off the American coast. There was an accidental engagement between the frigate *President* and the corvette *Little Belt*, under circumstances that increased the ardour of the American Navy for a good stand-up fight, and enhanced the contempt of the Royal Navy for American 'fir-built frigates'. A feeling that the Jeffersonian system of commercial retaliation was dastardly, that America must show the world she was not too proud to fight, was rising. Since 1806 the American Government had ceased publicly to complain of impressment;[1] but the practice of it, however condoned by the shipowners who employed the victims, exacerbated public opinion.

[1] It is not true, however, that Madison's Government ceased complaining of impressment to the British Government. The American files in the Foreign Office records for 1810–12 are filled with requests for the release of impressed American seamen. Madison merely ceased agitating the question publicly, so long as there was hope of peace. The *Chesapeake* affair was finally settled in 1811, when the three impressed Americans were released, and compensation paid to the families of those who were killed.

Madison long held out against the clamour for war; and it is not necessary to explain his final yielding by the story that Clay exacted it as the price of his renomination to the Presidency. In the last week of May 1812 the British Minister at Washington communicated to the President a dispatch from Castlereagh which seemed to close all hope of the Orders in Council being repealed. This convinced Madison that commercial retaliation had failed. Too obstinate to see that Napoleon had duped him, and that the Berlin and Milan decrees had never been repealed, Madison, on 1 June, sent Congress a message recommending war on four grounds: impressment, violations of the three-mile limit, paper blockades, and Orders in Council. On 18 June war was declared.

The vote on the declaration was 79 to 49 in the House; 19 to 13 in the Senate. The inland and western States of Vermont, Ohio, Kentucky, and Tennessee lacked but one vote of unanimity for war. The maritime sections of New England were unanimous for peace. A majority of the Congressmen from New England, New York, and New Jersey, the States which owned three-quarters of the tonnage and provided most of the seamen, voted against war; and one-quarter of the Republicans refused to vote.

Congress adjourned on 6 July without voting war taxes, or providing for any increase of the navy. It was to be a short war; a mere frontiersman's frolic into Canada, to dictate peace at Quebec.

XXII

THE WAR OF 1812

1812–15

1. *An Unpopular War*

THE War of 1812–15, forced upon the Republican party by its fighting frontier wing, was unsuccessful and generally unpopular in the United States until it was over. From the Canadian point of view it was a defensive war, gallantly maintaining imperial integrity against overwhelming odds. The British nation, absorbed in its struggle with Napoleon, paid little attention to America until the Yankee frigates and privateers touched it in a tender spot; and it was not until Napoleon was disposed of that any serious effort was made to win this outflying conflict.

The Federalists, with a truer vision of national honour than the party in power, saw that the great issue was that of Napoleon and military despotism against the Allies and the liberty of nations. One week after America declared war, Napoleon crossed the Niemen with his Grand Army. Thousands of Americans deemed it immoral to hamper the Allies at that crisis. If war were required to cleanse the national honour, they argued, it should have been declared against Napoleon, who had not only deceived the administration, but by Madison's own admission had captured more American vessels since 1807 than the British.[1] A war for 'free trade and seamen's rights', forced by a section that had neither ships nor sailors, and accepted by a party that refused appropriations for the navy, could only be regarded with loathing in maritime New England.

[1] It must be said that the administration formed no sort of entente or association with Napoleon against the common enemy. American privateers occasionally resorted to French ports, but the two wars were kept absolutely separate.

'Organize a peace party through your country' resolved the lower house [1] of the Massachusetts legislature after hostilities had begun, 'and let the sound of your disapprobation of this war be heard loud and deep. . . . Let there be no volunteers except for defensive war!' The Governors of Massachusetts, Rhode Island, and Connecticut disregarded the President's requisition of militia for the national service, on the ground that they, and not he, had the right to judge whether the constitutional exigency of invasion existed.[2] Federalist merchants refused to take up war loan, or to fit out privateers; and the whaling town of New Bedford, which was both Federalist and Quaker, proposed to quarantine any American privateer that polluted her harbour.

Many Federalists outside New England who regretted the war co-operated loyally to make it a success. Yet even in Virginia, and in the Republican party, prominent men withheld their support. There are no such eloquent statements on record of America's debt to England as the war-time speeches and pamphlets by John Randolph of Roanoke; and no such accurate forecast of events as his speech of 10 December 1811:

'Will you call upon England to leave your ports and harbour untouched, only just until you can return from Canada to defend them? The coast is to be left defenceless, whilst men of the interior are revelling in conquest and spoil. . . . Go! march to Canada! Leave the broad bosom of the Chesapeake and her hundred tributary rivers—the whole line of seacoast from Machias to St. Mary's unprotected! You have taken Quebec —*have you conquered England?*'

[1] The Republican party still controlled by the State Senate, by virtue of the original gerrymander, adopted under Governor Gerry the previous session.

[2] The Constitution gave Congress power 'to provide for calling forth the [state] militia to execute the laws of the Union, suppress insurrection, and repel invasion'. Congress had authorized the President to issue the call. In 1827 the Supreme Court decided that he was the sole judge of the exigency.

Robert Smith, Madison's former Secretary of State, issued a public address against the war. John Marshall wrote to him that as Chief Justice he could take no active part in politics, yet as an American he was mortified at his country's base submission to Napoleon; that the only party division henceforth should be between the friends of peace and the advocates of war. That was indeed the division in the presidential election of 1812. The Federalists supported De Witt Clinton, who was nominated by a peace faction of the New York Republicans, and carried every State north of the Potomac save Pennsylvania and Vermont; but Madison was re-elected by the votes of the South and West.

2. *On to Canada*

The 'war-hawks' had good reason to expect a prompt victory. The population of the United States in 1810 was seven and a quarter millions, of which sixteen per cent were slaves. The population of British North America was in the neighbourhood of five hundred thousand, of which a large majority were French. A considerable part of the English-speaking Canadians were isolated in the Maritime Provinces; another part, consisting of emigrants from the United States, was disaffected. The legislature of Lower Canada was 'timid and treasonable', that of Upper Canada unreliable; and the Governor-General, Sir George Prevost, hardly Madison's superior as a war lord. There was no great difference, however, in the forces ready to meet the first shock of war. Canada contained four regiments of the line, with forty-five hundred effectives,[1] about four thousand Canadian regulars, most of them specially raised for the occasion, and the same number of 'incorporated' militia. Tecumseh's confederacy would provide three or four thousand Indian auxiliaries.

[1] This estimate, on the not very reliable authority of William James, is accepted both by Lucas and Wood.

The United States regular army was less than seven thousand strong on 8 June 1812, and enlistments came in very slowly. Over four hundred thousand state militia were called into service during the war; but only a small part of these served on the Canadian front, where they proved the uselessness of untrained militia in offensive warfare. William Eustis, the American Secretary of War, was an amiable politician who had been a surgeon in the War of Independence. Henry Dearborn, the senior major-general, had been a deputy quartermaster general in the same war. According to Colonel Winfield Scott, the older officers had 'very generally sunk into either sloth, ignorance, or habits of intemperate drinking'; and the new appointees were 'coarse and ignorant men . . . swaggerers . . . decayed gentlemen and others fit for nothing else, which always turned out *utterly unfit for any military purpose whatever*'.[1] America did not discover Andrew Jackson until the close of the war: Canada had Isaac Brock at the start.

The American Government was unprepared in strategy as in armament. The settled portions of Canada in 1812 were shaped like a tree, of which the St. Lawrence was the trunk, the Great Lakes and their tributaries the branches, and the sea lanes to England the roots. Chatham had reduced Canada in 1759–60 by grasping the roots and grappling the trunk. Madison had no proper navy to attempt the former, but he might well have attempted to hew the tree by a sharp stroke at Montreal. Instead, he attempted several feeble and unsystematic loppings at the branches.

A week before war was declared, General William Hull was placed in command of fifteen hundred troops at Urbana (Ohio) and ordered to march two hundred miles, cutting his own road through the wilderness, to Detroit, and thence to invade Upper Canada. Hull

[1] *Autobiography* (1864), i. 31, 35.

begged the Government to obtain control of Lake Erie, in order to secure his communications and hamper those of Brock; but nothing was done. He got his force to Detroit in safety, and on 12 July crossed the river into Upper Canada. Parading through that thinly settled country, he found the inhabitants so little impressed by his proclamation offering them liberty under the American flag, that he shortly fell back on Detroit. In the meantime, a slight military encounter in the far North-West made Hull's situation precarious. The commander of the British post at the Sault Ste. Marie, between Lakes Huron and Superior, forced the American garrison at Michilimackinac to surrender (17 July). This event brought Tecumseh's confederacy definitely to the British side. General Hull, fearful of his communications while hostile savages threatened his flank, ordered the American commander at Fort Dearborn (Chicago) to come to his assistance; but the Indians captured what part of this force they did not massacre. General Brock promptly transported to Detroit all the troops he could spare from the Niagara front, and summoned Hull to surrender. A broad hint in Brock's note, that the Indians would be beyond his control the moment fighting began, completely unnerved the American general. Dreading a massacre of women and children, deserted by some of his militia, and cut off from his base, Hull surrendered on 16 August 1812. So ended the first invasion of Canada. The effective military frontier of the United States was thrown back to the Wabash and the Ohio.

One week later Brock was back at Niagara with Hull's army as prisoners of war, and eager to attack his enemy on the New York side of the Niagara river. Prevost restrained him, and the Americans took the initiative on 13 October. Captain John E. Wool led a small detachment of regulars across the river, to a gallant and successful attack on Queenston heights, where General

Brock was killed. Wool should have been supported by the New York militia under General Van Rensselaer; but the militia refused to budge. They had turned out to defend their homes, not to invade Canada. General Van Rensselaer exhorted them in vain; the militia calmly watched their comrades on the other bank being enveloped, shot down, and forced to surrender.

Alexander Smyth, a regular army officer of Irish birth, was then given command on the Niagara front. After issuing another proclamation to the Canadians, and exhorting his soldiers to 'Be strong! Be brave! And let the ruffian power of the British king cease on this continent!' General Smyth threw up the sponge, and refused to cross Niagara river. His men joyfully discharged their muskets in every direction, showing a preference for the General's tent as target. Smyth followed Hull and Van Rensselaer into retirement.

There still remained a considerable force at Plattsburg on Lake Champlain, under the immediate command of General Dearborn. This army should have struck the Canadian trunk at Montreal. On 20 November Dearborn marched twenty miles north of Plattsburg, when the militia refused to go farther. The General then marched them back to Plattsburg.

3. *The Fir-built Frigates*

On the ocean there is a different story to tell. At the beginning of hostilities the American Navy consisted of sixteen sea-going vessels, excluding Jefferson's gun-boats. The pride of the Navy was its three oldest frigates, the 44's *Constitution*, *United States*, and *President*, which had been designed to out-class all other two-deckers, and out-run ships of the line. They threw a heavier broadside than the British frigates, and were so heavily timbered and planked as to deserve the name 'Old Ironsides'; yet with such fine, clean lines under

water that they could outsail almost anything that floated. The American crews were volunteers, and the officers, tried by experience against France and Tripoli, were burning to avenge the *Chesapeake*. Such were the 'few fir-built frigates, manned by a handful of bastards and outlaws'—a Fleet Street phrase that became as popular with the Americans as the 'contemptible little army' was in Britain a century later.

Admiral Sir John Borlase Warren, who commanded the consolidated transatlantic station at the beginning of the war, had under him ninety-seven sail, including eleven of the line and thirty-four frigates. The conquerors at Cape St. Vincent, Trafalgar, and the Nile were the spoiled children of victory, confident of beating any vessel not more than twice their size. Hence, when the *Constitution* knocked the *Guerrière* helpless in two hours and a half, 19 August 1812, and reduced the *Java* to a useless hulk (29 December); when the sloop-of-war *Wasp* mastered the *Frolic* in forty-three minutes, and the *Hornet*, after a close fight of fifteen minutes off the Demerara river, sunk the *Peacock* (24 February 1813); and when the frigate *United States*, Captain Decatur, entered New London harbour with the British frigate *Macedonian* as prize (4 December 1812); there was amazement and indignation in England, and rejoicing in the United States. In four out of the five engagements the American vessel threw the heavier broadside, and deserved the victory; but the British commanders were no less ingenious in finding excuses for defeat than they had been brisk in seeking battle.

The moral value of these victories to the American people, following disaster on the Canadian border, was beyond all calculation; but the military value was slight. Most of the American men-of-war that put into harbour during the winter of 1812–13 were there blockaded during the remainder of the war. Captain Lawrence of the unlucky *Chesapeake*, with a green and

mutinous crew, unwisely accepted a challenge from Captain Broke of the *Shannon*, and sailed from Boston Harbour to defeat and a glorious death (1 June 1813); the *Essex*, after clearing British privateers from the South Pacific, was destroyed by the *Phoebe* and *Cherub* while seeking asylum within the three-mile limit of Chile (28 March 1814); and Decatur lost the *President* while trying to elude the New York blockading squadron (17 January 1815). When the war ended, only the *Constitution* and four smaller vessels of the United States Navy were at sea. American privateers managed to continue their depredations, although forced by convoys and blockades to transfer their operations to European and Far Eastern waters.

Hostilities might have ended with the year 1812, had Lord Liverpool's Government been willing to abandon impressment. There was no desire for war on the part of the British people, and the Government was anxious to terminate it as soon as possible. After the Orders in Council were repealed (23 June 1812), and the news of the American declaration of war reached London, the American chargé d'affaires endeavoured to negotiate an armistice, on the condition that impressment from American vessels be suspended. In return he was instructed to promise that the enlistment of British-born seamen in American ships would be forbidden.[1] Castlereagh replied (29 August) that His Majesty could not give up his 'ancient and accustomed practice'. Discussions were then transferred to America, and Admiral Warren proposed an armistice to the Secretary of State. Monroe replied (27 October) that no armistice would be concluded without at least a suspension of impressment. 'Having gone to war', he wrote John Taylor, 'it seemed to be our duty not to withdraw from it till the rights of our country were placed on a more secure

[1] An Act of Congress to this effect was passed early in 1813, as a basis for negotiation.

basis.' Hence the war continued on the single ground of impressment—for the conquest of Canada had never been alleged as an official war aim.

Congress, swept off its feet by enthusiasm over the naval victories, authorized an increase of the Navy in December 1812 by four ships-of-the-line and six heavy frigates. 'Frigates and seventy-fours', sighed the sage of Monticello, 'are a sacrifice we must make, heavy as it is, to the prejudices of a part of our citizens.'[1] None of the new vessels got to sea during the war; but in the meantime freshwater naval history was being made on the Great Lakes.

4. *The Lake Front in 1813*

Hull's surrender of Detroit convinced the American Government that command of the Lakes was essential. At the same time the Canadian authorities determined to retain the supremacy they already enjoyed. It was comparatively easy for the power that controlled the Lakes to bring in more guns and fresh supplies. The Americans surmounted their greater difficulties through the energy and resourcefulness of Captains Isaac Chauncey, with head-quarters at Sackett's harbour on Lake Ontario, and Oliver H. Perry, with head-quarters at Presqu'ile on Lake Erie. Both harbours were remote from routes of land transportation, and Presqu'ile shut in by a sand-bar only five or six feet under water. All the cordage, sails, ordnance, and other supplies for the Lake Erie flotilla had to be hauled over the Alleghany Mountains to Pittsburg, and thence poled up the French river to the old carrying place between Fort Le Bœuf and Presqu'ile. Nevertheless, Perry managed to get a fleet of stout little vessels constructed during the winter of 1812–13. As the larger units had to be helped over the bar by pontoons, and receive their guns out-

[1] Jefferson, *Writings* (1855 ed.), vi. 409.

side, Commodore R. H. Barclay, R.N., found it easy to contain the American fleet by blockade.

General Harrison, a commander in whom the West had confidence, advanced from the Ohio towards Detroit in three divisions during the winter of 1812–13. General Procter did not wait for them to unite, but beat two of them separately at Frenchtown on the Raisin river (22 January 1813) and Fort Meigs at the rapids of the Maumee (5 May): fierce wilderness fights in which the American wounded were massacred by Indian auxiliaries. Harrison then decided to await the decision on Lake Erie. Owing to a temporary relaxation of Barclay's blockade, Perry was able to get his fleet over the bar on 4 August, and to seek out the British squadron. He found it on 10 September at Put-in-Bay among the islands at the western end of the Lake. A strange sort of naval battle ensued, between vessels hastily built of green wood, manned largely by militiamen, negroes, frontier scouts, and Canadian *voyageurs*. Perry's plans were foiled for want of wind, and the fight was a matter of fire-away-Flannagan until one or the other went down. Superior weight of metal gave the Battle of Lake Erie to Perry. His laconic report, 'We have met the enemy, and they are ours', was literally true.

The only prudent course now open to General Procter was to abandon Detroit and fall back on the Niagara front. Tecumseh, who did not understand the implications of sea power, induced his ally to make a stand at an Indian village near the centre of the Ontario peninsula. Thither Harrison pursued him, after reoccupying Detroit and taking Malden and Amherstburg. The Battle of the Thames or Moravian Town (5 October 1813) was a victory for Harrison's Kentucky mounted rifles. Tecumseh was killed, Procter saved his life only by flight, the Indian confederacy was broken up, and the American military frontier in the North-West was re-established.

On Lake Ontario and the Niagara front there was no such decisive result in 1813. The Secretary of War wished Chauncey and Dearborn to direct a combined attack on Canada's trunk, at Kingston. Both men preferred to continue the strategy of branch-lopping. On 27 April 1813 they raided York (later Toronto), the capital of Upper Canada. A large powder magazine exploded when the Americans were advancing upon the village, killing General Pike and about three hundred men. As a result of this incident, or of general indiscipline, the American troops got out of hand after the surrender, burnt the two brick parliament houses, the governor's residence, and other buildings as well. As Sir James Yeo had a considerable naval force on Lake Ontario, the Americans had to evacuate York; but Chauncey's fleet co-operated with the American forces on the Niagara front in a successful attack on Fort George. Two days later Sir George Prevost and Sir James Yeo paid a return call on Sackett's harbour, but were driven off by militia.

A devastating American invasion of Upper Canada now began in earnest. General Vincent stopped it at Stony Creek, near Hamilton, and captured both American commanders (27 May 1813). Their subordinate, a militia general named McClure, burned the town of Newark and as much as he could of Queenston (19 December), turning the inhabitants out of their houses on a cold winter's night, before he retreated across the Niagara river. For this atrocity the innocent inhabitants on the American side paid dearly. On 30 December Fort Niagara was taken by surprise, the Indians were let loose on the surrounding country, and the villages of Black Rock and Buffalo were destroyed. In the meantime, two American columns were converging on Montreal: General Wilkinson, proceeding down the St. Lawrence from Sackett's harbour, and General Wade Hampton advancing west from Plattsburg. Both

allowed themselves to be turned back by mere skirmishes—at Chrysler's Farm (11 November 1813) and Chateauguay (26 October).

The second year of the war then closed with Canada cleared of American troops, and the Canadians in possession of Fort Niagara. American reoccupation of Detroit, and command of Lake Erie, ended all danger of a flanking movement from the North-West, and made it impossible for Great Britain, at the peace conference, to annex the southern shores of the Lakes. So far, the British forces in Canada had waged defensive warfare; but the tables were turned in 1814.

5. *Chippewa to New Orleans*

The Allies entered Paris on 31 March, Napoleon abdicated on 6 April, Bayonne, the last Napoleonic stronghold, capitulated to Wellington three weeks later. At last Britain was able to provide Canada with an adequate army, to carry the war into the United States, to concentrate her navy on the American coast, and to force her own terms of peace. The plan was to invade the United States from three points successively: Niagara, Lake Champlain, and New Orleans; and simultaneously to raid the American coast, under cover of a strict blockade.

On the Niagara front the Americans were able to take the initiative before British reinforcements arrived. Their army had learned much from two years of adversity. Incompetent officers had been weeded out, and promising young men promoted; more reliance was placed on regulars, and less on militia. On 4 July General Jacob Brown got his army of five or six thousand men across the Niagara river, and forced the ill-garrisoned Fort Erie to capitulate the same day. On the 5th, his subordinate, Winfield Scott, after giving the men of his brigade a Fourth of July dinner that

they had been too busy to partake of on the proper date, was marching them across Street's creek to hold a holiday parade on the plain beyond, when it appeared that General Riall with the Royal Scots, the King's Regiment, and the Hundredth, were there to break up the celebration. Scott deployed his brigade under fire, and the parade became the battle of Chippewa. The two lines advanced in close order, stopping alternately to load and fire ; when they came in contact the British line broke. This was

'the only occasion during the war when equal bodies of regular troops met face to face, in extended lines on an open plain in broad daylight, without advantage of position ; and never again after that combat was an army of American regulars beaten by British troops.... It gave to the United States army a character and pride it had never before possessed.' [1]

The battle of Lundy's lane on 25 July, hard by Niagara Falls, was the most stubbornly contested fight of the war. The American objective was a rise of land over which Lundy's lane passed, and where the British guns were posted. Fighting began in late afternoon, and continued until midnight. Colonel Miller's infantry charged to the muzzles of the guns, and bayoneted the cannoneers in the act of loading. The Marquess of Tweedale, Wellington's former aide-de-camp, thus described this part of the action :

'The night was dark, and the storming force could only be seen when the artillery was discharged ; but the tramp of the steadily advancing men was distinctly heard, broken only by the sound of the guns ; and after each discharge of these against the coming foe, the calm voice of Col. Miller called to his men "steady boys, close up". Not another word was heard

[1] H. Adams, *U.S.* viii. 45. The numbers engaged were about 1,300 for the Americans, 1,500 for the British. Larger estimates of the American forces in certain Canadian histories are gained by counting in the whole of Brown's army, or Porter's division of militia, which was surprised and routed near the Chippewa river previous to and independently of the battle of Chippewa.

—there was no stop in the steady tramp, and the hill was taken.' [1]

Later in the night the British recovered their artillery and General Drummond remained in possession of the field of battle. In the autumn Fort Erie was abandoned by the Americans; but they retained it long enough to prevent an invasion of their country from the Niagara front.

Very few of the reinforcements from Europe appear to have been engaged at Lundy's lane; but by the middle of August Sir George Prevost commanded ten or eleven thousand of Wellington's veterans near Montreal, in readiness to invade the United States by the classic route of Lake Champlain and the Hudson. It was the strongest, best disciplined, and most completely equipped army that had ever been sent to North America, not excepting those of Wolfe and Amherst, Howe and Burgoyne. Prospects were very black for the United States, particularly as the War Department had lately transferred most of the regulars from Plattsburg to Niagara. Early in September, Sir George moved down the western side of Lake Champlain, synchronizing his movements with that of a freshwater flotilla, and forcing the Americans back to a strong position behind the river that empties into Plattsburg Bay. There they were protected by a line of forts, and by the American lake squadron, which was anchored inside the entrance to the bay in such a position as to rake enemy ships upon entering.

Prevost reached Plattsburg with his magnificent army on 6 September. Facing him were only fifteen hundred American regulars, and a few thousand militia. He has been severely criticized for not pushing home a frontal attack; but the American forts, constructed by West Point engineers, were formidable; and he wished first to secure control of the Lake. Early in the morning of

[1] C. R. King, *Rufus King*, v. 409.

11 September the British fleet hove to off Cumberland Head. There followed a murderous engagement. Small vessels without bulwarks to protect their crew, anchored side-by-side at pistol range and attempted to pound each other to pieces. After the British flagship *Confiance* had silenced the starboard battery of the American flagship *Saratoga*, and killed one-fifth of her crew, Commodore Macdonnough, U.S.N., 'wound ship'—turned the *Saratoga* completely around while at anchor—by means of a concealed spring on his cable, brought his fresh port battery to bear, and forced the *Confiance* to strike her colours. The British commander had already lost his life, and Macdonnough won the day. Prevost retreated to Canada; and the naval Battle of Plattsburg proved decisive in the war.[1]

It was not, however, the last battle. Throughout the summer of 1814 the Royal Navy had its will on the Atlantic coast. Maine was occupied to the Penobscot, and a base for the blockading fleet established at the tip of Cape Cod. During the previous year a naval squadron under Admiral Cockburn had waged inglorious warfare on the fowl-houses, cow-barns, and movable property along the shores of Chesapeake Bay. In June 1814 a British expeditionary force was sent from Bordeaux in order to make a diversion in this region. The campaign that followed reflected little credit on the one side, and considerable disgrace on the other. General Rose, commander of the land forces, was instructed by Admiral Cochrane 'to destroy and lay waste such towns and districts upon the coast' as he might find assailable.[2]

[1] 'Had it not been for this unfortunate adventure on Lake Champlain, I believe we should have signed a peace by the end of this month. This will put the enemy in spirits.' Lord Bathurst to Castlereagh, 21 October 1814. *Amer. Hist. Rev.* xi. 80. Cf. General Sir Frederick Robinson's account of the action in *Hist. MSS. Comm., Bathurst MSS.*, pp. 290–4.

[2] H. Adams, *U.S.* viii. 126, quoting Canadian archives. These

A fleet of Jeffersonian gun-boats, retreating up the Patuxent river, led Ross's army from Chesapeake Bay to the back door of Washington. For five days the army marched along the banks of this river, approaching the capital of the United States without seeing an enemy or firing a shot. In the meantime, Washington was in a feverish state of preparation. About seven thousand militia, all that turned out of ninety-five thousand summoned, were placed under an unusually incompetent general, and hurried to a strong position behind the village of Bladensburg, athwart the road over which the invaders must advance, and only five miles from the Capitol. President Madison and some of the Cabinet officers came out to see the fun. After the militia had suffered only 66 casualties they broke and ran, leaving Commodore Barney with 400 seamen and five guns of the gun-boat squadron to dispute the field. Their gallant resistance was soon overcome, and the British Army pressed on to Washington that evening (24 August). Some of the officers arrived in time to eat a dinner at the White House that had been prepared for the President and Mrs. Madison.

All the public buildings of the capital were deliberately burned. General Ross personally superintended the piling up of furniture in the White House before it was given to the flames, and Admiral Sir George Cockburn rode about the city giving orders to burn the department buildings, and cracking jokes at the expense of 'Jemmy Madison'. The troops were kept under good discipline. In the city there was no looting and

orders were not given, it appears, in retaliation for the American burning of York and Newark, but for a recent unauthorized raid on Long Point, Lake Erie, in which private property was destroyed. Apparently the American destruction of public buildings at York was later adduced as an excuse for the burning of Washington. As far as can be gathered from contemporary British dispatches, this last act was a deliberate bit of 'frightfulness' intended to impress the Americans with the uselessness of further resistance.

little destruction of private property—small consolation for the loss of the White House and Capitol. Admiral Cochrane afterwards wrote to Cockburn, 'I am sorry you left a house standing in Washington—depend upon it, it is mistaken mercy'.[1]

It was a dark period for Madison's fugitive administration. Only discouraging news had arrived from the peace negotiators at Ghent. New England was disaffected, and the last national war loan had failed, and all the banks south of New England had suspended specie payments. Prevost was expected to march south again; and a new British expeditionary force was expected at New Orleans.

Fortunately, the destruction of Washington only illustrated the maxim that invading a country like the United States is like hurling a hammer into a bin of corn. A few kernels were hurt, but the hammer had to be withdrawn quickly, or lost. On the night of 25–26 August 1814 the British Army withdrew to its transports; and proceeded to the next objective, Baltimore. Here the inhabitants were prepared, and the Maryland militia showed a very different spirit from that of their Virginia comrades. A naval bombardment on Fort McHenry made little impression, and General Ross was killed at the head of a landing party (12 September).[2] That was the end of the Chesapeake campaign.

By the time the third British expeditionary force reached New Orleans, 18 December 1814, the West had produced a military leader. General Andrew Jackson, a frontiersman who had gone to Tennessee as a young man and grown up with the State, had been winning laurels in warfare against the Creeks. That Indian nation had endeavoured to remain neutral, but

[1] Channing, *U.S.*, iv. 510.

[2] Francis Scott Key, a prisoner on one of the bombarding vessels, gained his inspiration for the 'Star Spangled Banner' from seeing the flag still flying on Fort McHenry 'in the dawn's early light'.

some northern warriors visited the Creek villages in 1813, and stirred up the younger warriors. The result was a series of raids on the frontier, and the capture of Fort Mims above Mobile, together with some 250 white scalps.

This news reached Andrew Jackson in bed at Nashville, as he was recovering from a pistol shot received in a street brawl with a future Senator from Missouri. In a month's time he had 2,500 militia and a band of Choctaw auxiliaries in the Creek country. Nothing was accomplished that year; but after General Jackson had executed a few militiamen to encourage the others, the campaign went very well. At the Tallushatchee, where the Indians fought with bows and arrows, at Talladega, and on the Tohopeka or Horse-shoe Bend, the Creeks were beaten, their military power broken, and their territory dismembered by treaty (9 August 1814).

A few days before this, a small British force landed at Pensacola in Spanish Florida, and its leader, an impetuous Irishman named Edward Nicholls, proceeded to organize and drill Creek refugees with a view to renewing the war in that quarter. Jackson then invaded Florida on his own responsibility and captured Pensacola. Ignorant of the exact destination of the approaching British expeditionary force, he proposed to remain at Pensacola, but was ordered to New Orleans just in time to defend it. Mistaking the route by which the British would approach, Jackson allowed them to arrive unnoticed within a few miles of the city. Their commander, the Sir Edward Pakenham who had led the third division at Salamanca, ought to have attacked New Orleans at once. Delay was fatal for any one facing Andrew Jackson. This lank, long-haired general in his 'well-worn leather cap, a short Spanish cloak of old blue cloth, and great unpolished boots whose vast tops swayed uneasily around his bony knees',[1] was master of

[1] J. S. Bassett, *Life of Jackson*, i. 166.

the situation the moment his enemy was in sight. Taking a strong position on the left bank of the Mississippi, between the levee and a swamp, he awaited an attack; and on the morning of 8 January 1815 the attack came. It was one of the most foolhardy events in British military annals: a frontal assault in close column formation against earthworks protected by artillery and riflemen. General Pakenham was killed, together with over 2,000 of all ranks; and the second and third generals in command were fatally wounded. Exactly thirteen Americans were killed before the attacking columns melted. The only surviving general officer withdrew the British Army to its transports.

This Battle of New Orleans had no military value, since peace had been signed on Christmas eve; but it made a future President of the United States, and created the American tradition of the war of 1812, as a 'second war of Independence'. Although the Treaty of Ghent was a peace without a victory, and the Americans did not attain a single object for which their government had declared war, the people came to believe that they had won a just and glorious contest for free trade and seamen's rights.

XXIII

OPPOSITION AND PEACE

1814–15

1. *New England and the War*

NEW England's opposition to the war increased with its duration, although it was paradoxical that she should not be the most bellicose section of the United States. A war for free trade and seamen's rights was regarded with loathing in the maritime State of Massachusetts; a war for the conquest of Canada was resented by the section whose power in the Union would have been enhanced by the annexation of Canada. And hostilities enriched New England at the expense of the rest of the country.

The British blockade of the American coast was not extended to Massachusetts until the spring of 1814. Consequently, practically all the American imports came through the Boston custom houses, and most of the specie in the United States flowed into Yankee banks. And, strangest of all, Jefferson's embargo and Madison's war had the effect of diversifying the economic life of New England, as Hamilton hoped to do for the entire country.

In 1807 there were only fifteen cotton mills, with eight thousand spindles, in the United States. By 1810, after two winters of Jefferson's embargo, there were eighty-seven mills with eighty thousand spindles; three-quarters of them located within thirty miles of Providence, Rhode Island, and all operated by water power. Madison's non-intercourse proclamation of 1811 again shut off English competition; and by the close of the War of 1812 there were half a million spindles in operation. While John Lowell, leader of the Boston Federalists, was advocating a New England Confederation as

the only cure for commerce, his brother Francis C. Lowell was picking up information in England about power looms. On his return to the United States, Mr. Lowell invented a power loom of his own, and in 1814 at Waltham, Massachusetts, equipped the first complete American cotton factory, in which every process of manufacture from the raw material to the finished cloth was performed by power, under one roof. The local woollen industry did not attain such technical development, but production was greatly increased by government war orders, the stoppage of imports, and a better supply of wool.[1]

While the War of 1812 was preparing New England for a necessary transition from seafaring to manufacturing, the New England Federalists cried ruin. Blind to new economic forces, their ideas of the Republican administrations and of their own consequence became hardened and fixed. The doctrine that New England depended exclusively on shipping and commerce, the charge that 'Mr. Madison's war' was dictated by Napoleon and designed to ruin their section, was propagated in the press, and in pamphlets of great pith and cogency. The Yankees were told again and again that they were the earth's chosen people, that the Constitution was weighted against them, and that the annexation of Louisiana absolved them from all obligation to remain in the Union.

2. *The Hartford Convention*

In 1813 the Federalists controlled all the state governments of New England, and were again in a position to employ the doctrine of State rights against the administration. Up to that time, their opposition had been individual rather than corporate. Enlistments were dis-

[1] Owing to the Peninsular War, the famous merino flocks of Spain were broken up and sold in 1810–11, when some twenty thousand merinos were imported into the United States.

couraged,[1] the President's requisitions for militia refused. Allied victories in Europe were celebrated, and a vote of thanks to a naval hero was rejected in the Massachusetts legislature as 'not becoming a moral and religious people'. However justified these stern puritans may have been in refusing to support a war of conquest against a kindred people, there was no excuse for their continuing the same policy after Napoleon had been disposed of and the character of the war had been changed. They chose the darkest moment for the American cause to agitate State rights, and to summon a sectional convention.

For some years there had been talk of holding a New England convention to concert protest or action against Republican policy. Events of the summer of 1814 conspired to bring it about. Massachusetts was thrown upon her own resources for defence. Eastern Maine had been occupied by Sir John Sherbrooke, the blockading squadron was making descents on various parts of the coast, and for all their heavy war taxes the New England States were receiving no protection from the Federal Government. That this condition existed was largely the fault of the Federalist governors in refusing to place their militia under officers of the United States Army; but New England was past reasoning on these matters. On 5 October 1814 the legislature of Massachusetts summoned a New England Convention at Hartford, for the express purpose of conferring upon 'their public grievances and concerns', upon 'defence against the enemy . . . and also to take measures, if they shall think proper, for procuring a convention of delegates from all the United States, in order to revise the Constitution thereof'.

[1] In spite of this, Massachusetts contributed more enlistments to the regular army than any State save New York; for at least forty per cent of the electorate were Republican in politics. The same phenomenon was remarked both in the Civil War and the Great War—loyal minorities in disaffected regions more than made up the average.

The language of this summons showed a compromise between the moderate and the extreme Federalists. The former, led by Harrison Gray Otis, were not disunionists, but wished to improve the situation in order to obtain concessions for New England. Alarmed at the rising tide of secessionist sentiment, they hoped the Convention would act as a safety valve to let it off; and their desire to concert defensive measures against the enemy was sincere. But the violent wing of the Federalist party, led by Timothy Pickering and the 'Essex Junto', had other objects in view. It was their belief that the British invasion of New Orleans would succeed; and the West, shut off from the ocean, would then secede. The Hartford Convention would draft a new Federal Constitution, with clauses to protect New England interests, and present it as a pistol to the original Thirteen States. If they accepted it, well and good; if not, New England would act on her own, and make a separate peace with Great Britain. The extremists desired no further union with the democratic West. As if answering echo, *The Times* declared on 26 December 1814, 'With them [the New England States] let us treat, and not with the traitor Madison. New England allied with Old England would form a dignified and manly union well deserving the name of Peace.'

The Hartford Convention, representing mainly the States of Massachusetts, Rhode Island, and Connecticut, met in secret session on 15 December 1814. President Madison was apprehensive, and the war party feared the worst. Fortunately the moderates gained control and issued a sensible and statesmanlike report (5 January 1815). Madison's administration, and the war, were severely arraigned. 'But to attempt upon every abuse of power to change the Constitution, would be to perpetuate the evils of revolution.' The policy of secession was squarely faced, and ruled out as inexpedient and

unnecessary, since the causes of New England's calamities were not deep and permanent, but the result of bad administration, and of partisanship in the European War. The New England States were invited to nullify the conscription bill then before Congress, if it should pass. A suggestion was thrown out that Congress might permit them to assume their own defence, applying to that purpose the federal taxes collected within their borders. A few constitutional amendments were proposed. But there was no suggestion of a separate peace, or of kicking the West out of the Union.

The report of the Hartford Convention was praised for its moderation by the war press, and secession agitation in New England immediately calmed down; but presently the news from Ghent and New Orleans put Madison's administration on stilts, and made New England the scapegoat for government mismanagement. A stigma of unpatriotism, from which it never recovered, was attached to the Federalist party. Yet no stigma was attached to the doctrine of State rights; and within five years it was revived by States that denounced the Hartford Convention as treasonable.

3. *Negotiations at Ghent*

Peace negotiations began as soon as the war. Even before Admiral Warren had been able to offer an armistice,[1] the Emperor of Russia proposed to mediate between England and the United States. With Napoleon marching into his country, he feared a diversion of British power to North America. Lord Castlereagh had no intention of accepting the mediation of a third power in a war involving maritime rights, but could not well give a direct refusal. The British Government, accordingly, was evasive, hoping that Madison would refuse the Tsar's offer. When Madison accepted (March

[1] See previous chapter.

1813), Castlereagh refused. He did, indeed, express his government's readiness to open a direct negotiation with the United States; but this was kept from the ears of the American commissioners, who had already arrived at St. Petersburg, by the Russian foreign minister. What game Roumanzov was playing is not certain; but his obstruction, and the length of time necessary to communicate between Russia and America, wasted the entire year 1813.

Castlereagh's offer to treat directly finally reached Madison in January 1814. He replied favourably at once. After some further delay, Ghent was decided upon as the place of negotiation. But by the time the American commissioners arrived there, in June 1814, the Liverpool ministry was in no hurry to treat. News of decisive victories in America was shortly expected, when Britain would soon be in a position to dictate, instead of negotiate.

The Americans had been instructed to insist upon the abandonment of impressment as a first condition of peace. Dr. William Adams, Henry Goulburn, and Admiral Lord Gambier, the British commissioners, were instructed not to admit impressment or neutral rights as subjects of discussion. They further informed the Americans that the United States must abandon its rights to the Newfoundland and Labrador fisheries: a proposal that infuriated John Quincy Adams, the head of the American delegation.[1] The Canada-United States boundary must be revised in the North-East, to provide a direct British road between St. John and Quebec; and also in the North-West, to give Canada access to the upper Mississippi. Finally, the old project

[1] John Quincy Adams had gone over to the Republican party at the time of the *Chesapeake* affair, and been appointed minister to Russia by President Madison. Massachusetts had a principal interest in the fisheries, which were secured to the United States by the efforts of John Adams in the negotiations of 1782.

of a neutral Indian barrier state was revived. All Indian land cessions to the United States since 1795 must be annulled, and the greater part of the old North-West Territory, between the Indian barrier line of 1796 and the Lakes, be guaranteed to the Indians in perpetual possession.[1] When Gallatin inquired what was to be done with the hundred thousand or so white inhabitants already settled within the proposed cession, one of the British commissioners remarked that they must undoubtedly shift for themselves.

John Quincy Adams, an experienced diplomatist, thought that the negotiations would terminate on this point, and prepared to go home. His western colleague Henry Clay, untrained in diplomacy but skilled in the ways of men, was confident that the British would recede, as they did. On 16 September Lord Bathurst instructed his commissioners to drop the barrier project, and merely include the Indians in the pacification. Madison, in the meantime, had abandoned his *sine qua non* of impressment.

The next obstacle was a British proposal to settle the boundary on the basis of *uti possidetis*, which would mean the cession of Eastern Maine, and of any territory that Sir George Prevost might conquer. The Americans refused to entertain any other basis than *status quo ante bellum*. Again came a deadlock, which was broken by the Battle of Plattsburg and the Duke of Wellington. Lord Liverpool wrote to the Duke at Paris, on 4 November, suggesting that he should take the chief command in America, 'with full powers to make peace, or to continue the war . . . with renewed vigour'. Wellington

[1] See above, chapter xiv, and map No. 1. This immediate proposal may be traced to a pamphlet that appeared in London in 1814, *A Compressed View of the Points to be discussed in treating with the United States of America*. It revived the old arguments against the boundary of 1783, and on a map showed a proposed line of demarcation that would have included in the Indian State almost the whole of Vermont and Eastern Maine, as well as the old North-West Territory.

replied on 9 November in terms that showed his sound grasp of American strategy :

'I have already told you and Lord Bathurst that I feel no objection to going to America, though I don't promise to myself much success there. . . . That which appears to me to be wanting in America is not a General, or General officers and troops, but a naval superiority on the Lakes. . . . I suspect that you will find that Prevost will justify his misfortunes . . . by stating that the navy were defeated. . . . The question is, whether we can acquire this naval superiority on the Lakes. If we can't I can do you but little good in America ; and I shall go there only to prove the truth of Prevost's defence, and to sign a peace which might as well be signed now. . . .

'In regard to your present negotiations, I confess that I think you have no right from the state of the war to demand any concession of territory from America. . . . You have not been able to carry it into the enemy's territory, notwithstanding your military success, and now undoubted military superiority. . . . Then if this reasoning be true, why stipulate for the uti possidetis ? ' [1]

By this time the ministry was anxious to conclude the war. The Congress of Vienna was suffering one of its recurrent crises, Englishmen were crying out against taxation, and Wellington's arguments seemed irresistible. The American principle of *status quo* was accordingly accepted for the boundary.

A third crisis occurred over the navigation of the Mississippi and the fisheries. Britain insisted that she must be secured in the one, if she conceded the other ; and in so doing divided the American delegation. These five Americans of diverse origin and temperament, after living together in stuffy lodgings for several months, had got upon each other's nerves. John Quincy Adams, a peculiarly irritating and self-righteous puritan, would rise at five on a winter's morning to indite documents, when Henry Clay's card party was breaking up in the next room. Bayard, whom Adams called 'the Chevalier', had a feeling that some of his colleagues were not

[1] Wellington, *Supplementary Despatches*, ix. 425.

quite gentlemen ; and Jonathan Russell was a persistent trouble-maker. This personal friction exaggerated a sectional divergence. Adams insisted on the fisheries, and was for treating the navigation of the Mississippi as of little importance. Clay declared that New England deserved to lose the fisheries for her treasonable conduct ; but as a Westerner he would never admit so much as a Canadian canoe to a river that flowed from its source to its mouth through American territory. ' A dreadful day. Angry disputes', wrote Gallatin's son in his diary on 28 November. Clay was also opposed to including the Indians in the peace. As late as 11 December he declared he was for war three years longer if necessary ; and stalked to and fro across the chamber repeating ' I will never sign a treaty upon the *status ante bellum* with the Indian clause, so help me God ! '

Wellington, getting wind of the difficulty, wrote Gallatin privately, urging him to make peace without his colleagues. Gallatin burned the letter ; but it was his tact, patience, and good humour that finally brought Adams and Clay to a compromise. Nothing was said in the treaty about the fisheries or the Mississippi ; but the United States agreed to restore Tecumseh's Indians to the lands they possessed in 1811.

In the end, nothing very much was said about anything in the treaty of Ghent (24 December 1814). Both sides agreed to disagree on everything important except the conclusion of hostilities, and pre-war boundaries. Yet, unlike the treaty of 1783, it provided the machinery for disposing of present and future disputes. Four boundary commissions were created to settle the line between Canada and the United States ; claims, commercial relations, the question of naval forces on the Lakes, and that of Oregon, were postponed to future negotiations ; and before the next maritime war took place, impressment had been given up as a means of recruiting the Royal Navy.

So ended an unnecessary and futile war, which might have been prevented by a little more imagination on the one side, and a broader vision on the other. A different and victorious result for either side would have been worse; but the event was bad enough. Anglophobia became a tradition in the United States, when, by a happier combination of events, it might have been exorcized. Dislike of America was never so rife in Britain as during the generation after 1815. On the relations between the two Governments, however, the war had rather a happy effect. The soldiers, sailors, and diplomatists learned to respect one another; and the United States was never again refused the treatment due to an independent nation. Comparing Anglo-American relations before 1812 and after 1814, one must agree that in one respect at least the War of 1812 was a second War of American Independence.

XXIV

THE ERA OF GOOD FEELINGS

1815–21

1. *The Key to the Period*

EIGHTEEN hundred and fifteen is a turning-point in American as in European history; and a point of divergence between them. Up to that time the development of the United States had been vitally affected by European forces. In spite of independence, colonial rivalries and maritime commerce kept the contact warm between the two worlds, and the European War had been projected into America. With the Peace of Vienna, Europe turned to problems that had little interest for America; and with the Peace of Ghent, America turned her back on the Atlantic. Every serious difficulty under which the young republic had laboured since the War of Independence dropped out of sight. In 1816 disunion, dismemberment, foreign influence, Jacobinism, and monarchy seemed as remote as Louis XIV and James II. With national union achieved, a balance between liberty and order secured, a trifling national debt, and a virgin continent awaiting the plough, there opened a serene prospect of peace, prosperity, and social progress. No one suspected that Europe had not spoken her last word on American questions, that expansion would bring its problems no less than encircling pressure, that all the 'self-evident truths' of the Declaration of Independence would be challenged anew, and that within half a century Americans would be slaughtering one another in the mountains of Tennessee, the valley of Virginia, and the rolling farmlands of Pennsylvania.

An 'era of good feelings', as contemporaries called it, followed the quarter-century of rivalry between

Federalist and Republican. President Madison and his party accepted the nationalism of Washington and Hamilton as if they had been born to it; and Federalist enmity did not long survive Republican conversion. A Congress in which Republicans were dominant resurrected Hamilton's Report on Manufactures, and passed the first American protective tariff in 1816. The same year it chartered a second Bank of the United States, on the model of Hamilton's. Several outstanding controversies with Great Britain, any one of which would earlier have aroused political bitterness, were quietly settled. James Monroe, legitimate heir of the Virginia dynasty, succeeded to the Presidency of 1817 almost unopposed; in 1821 he obtained every electoral vote but one, and two years later, with unanimous approval, issued a momentous declaration of American foreign policy.

American politics did not long continue in this placid rhythm. No real conversion to nationalism had taken place. The United States, like Europe, had found no permanent balance. They were tired of sectional strife, as she of war and revolution. New forces, as in Europe, were transforming States of the Union; and while this readjustment was taking place, Americans acquiesced in the sort of nationalism represented by President and Congress, as Europeans endured the sort of internationalism represented by the Holy Alliance. That is the key to the era of good feelings. Manufacturing was displacing the carrying trade as the premier interest of New England and Pennsylvania. Society and politics were being democratized in New York. Virginia was slowly declining as an agricultural State, but finding no other interest than slave-breeding to take the place of tobacco. King Cotton's domain was advancing from South Carolina and Georgia into the new Gulf States. The North-West, rapidly expanding in population and influence, was acquiring new wants and aspirations.

A series of sharp and bitter sectional conflicts brought out the underlying antagonism; by 1830 the sections had again become articulate, and defined the stand they were to take until the Civil War. It became the major problem of politics to form combinations and alliances between sections whose interests were complementary, in the hope of achieving their common wants through the Federal Government; and the task of statesmanship was to reconcile rival interests and sections through national party organizations.

With new interests came a change in the attitude of the different sections towards the Constitution, completely reversing the similar change that had taken place during Jefferson's administration. As nationalist legislation began to cramp the economic life of certain states and sections, their public men adopted the State rights theories of New England Federalists, which they in turn had taken over from Jefferson in 1807. Daniel Webster of Massachusetts, who in 1814 had warned Congress that his State would not obey conscription, in 1830 was intoning hymns to the Union; while John C. Calhoun of South Carolina, leader of the 'war-hawks' in 1812 and of nationalistic legislation after the war, began in 1828 to write text-books of State rights. Of all the American publicists and statesmen whose careers bridged the War of 1812, only three were consistent, and all were Virginians: Chief Justice Marshall, who refused to unlearn the nationalism he had learned from Washington; John Taylor of Caroline who went on writing, and John Randolph of Roanoke who went on talking, as if nothing had happened since 1798.

2. *Nationalism*

Every nationalistic feature of the era of good feelings aroused bad feelings in States that were suffering from growing or dissolving pains. Calhoun, introducing the bill chartering a second Bank of the United States,

declared that to discuss its constitutionality would be a useless consumption of time. The bill passed, and the B.U.S., as contemporaries abbreviated its title, began operations in 1817. It was a bank of deposit, discount, and issue, having the Government as principal client, and holder of one-fifth of the capital stock, differing from the Bank of England mainly in the power to establish branches in the principal towns and cities. This feature, necessary for the fiscal operations of a federal government, hampered the ordinary banks operating under State charters. The Maryland Legislature levied a heavy tax upon the notes of the Baltimore branch of this 'foreign corporation'. The B.U.S. refused to pay. Maryland was sustained by the State court of appeals, whence, in accordance with the Judiciary Act of 1789, the case was carried on appeal by writ of error to the Supreme Court of the United States. This case of McCulloch *v.* Maryland became a milestone in American nationalism, and gave Chief Justice Marshall an opportunity to pronounce the greatest of his constitutional opinions.

There were three great issues at stake. Are the States separately, or the people of the United States collectively, sovereign? Was the Act of Congress chartering the B.U.S. constitutional? If constitutional, had a State the reserved right to tax its operation? On the first point, the counsel for Maryland followed Jefferson's Kentucky Resolves of 1798. 'The powers of the general government are delegated by the States, who alone are truly sovereign; and must be exercised in subordination to the States, who alone possess supreme dominion.' Marshall met this argument with an historical survey of the origin of the Constitution, and concluded: 'The government of the Union, then—is emphatically and truly a government of the people. In form and substance it emanates from them. Its powers are granted by them, and are

to be exercised directly on them, and for their benefit.' Here is the classic definition of national sovereignty, cutting the whole ground of the State rights theory from underneath.

On the second point, the defendant followed the Virginia remonstrance of 1790, and Jefferson's opinion on the bill chartering the first Bank of the United States. The power to charter corporations is not expressly granted to Congress by the Constitution. It cannot be inferred from the 'necessary and proper' clause. A national bank is not necessary, as the want of one since 1811 proved. All powers not granted to the Federal Government are reserved to the States, by the eleventh amendment to the Constitution.

Marshall found little more to say on this point than Hamilton had written in his Bank opinion of 1791.

'The government of the Union, though limited in its powers, is supreme within its sphere of action. . . . We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.'

Here is the classic 'loose construction', the doctrine of implied powers.

Finally, may a State, by virtue of its reserved power of taxation, levy a tax upon the operations of the B.U.S.? Marshall disposed of this point by a bold analogy to a State tax on the United States mails, or on custom house papers.

'The result is a conviction that the States have no power by

taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared.'

'A deadly blow has been struck at the Sovereignty of the States', declared a Baltimore newspaper in printing the opinion of the court in McCulloch *v.* Maryland. Pennsylvania proposed a constitutional amendment prohibiting Congress from erecting a 'moneyed institution' outside the district of Columbia; and in this amendment the three new States of the North-West, Ohio, Indiana, and Illinois, concurred. The legislature of South Carolina, on the contrary, declared that 'Congress is constitutionally vested with the right to incorporate a bank', and 'they apprehend no danger from the exercise of the powers which the people of the United States have confided to Congress'.[1] South Carolina would not speak this language much longer: Pennsylvania would shortly speak no other.

The Supreme Court was not to be deterred by local opposition, or influenced by public opinion. So long as Marshall was Chief Justice, it went straight ahead along the line he had marked out as early as 1803. To mention only three cases: in Martin *v.* Hunter's Lessee (1817) and Cohens *v.* Virginia (1821) the Court reasserted its right to review any final judgement of a State supreme court that touched the treaties or laws of the United States; in Martin *v.* Mott (1827) the Court denied to a State the right, which New England had asserted during the War of 1812, to withhold its militia from the national service when requisitioned by the President. In Gibbons *v.* Ogden (1824), most luminous and far-reaching of his opinions, Marshall not only smashed a State-chartered monopoly of steam-

[1] H. V. Ames, *State Docs. on Fed. Relations*, pp. 89–91.

boat traffic, but mapped out the course that Congress would follow for a century in regulating interstate commerce.

Marshall's opinions were the most enduring feature of the new nationalism of 1815; the only enduring feature, excepting Monroe's doctrine. As Lord Bryce has written,

'The Constitution seemed not so much to rise under his hands to full stature, as to be gradually unveiled by him till it stood revealed in the harmonious perfection of the form which its framers had designed. That admirable flexibility and capacity for growth which characterize it beyond all other rigid or supreme constitutions, is largely due to him, yet not more to his courage than to his caution.'[1]

3. *The 'American System'*

Henry Clay and John C. Calhoun were the nationalist leaders in Congress at this period. Both men saw and feared the growing particularism of the sections. Like Hamilton, they could imagine no stronger binding force than self-interest; and their policy was but a broader version of his reports on public credit and manufactures. Their formula, which Clay christened the 'American System', was protection and internal improvements: a protective tariff for the manufacturers, a home market and better transportation for the farmers.

'We are greatly and rapidly—I was about to say fearfully—growing', said Calhoun in 1817. 'This is our pride and our danger; our weakness and our strength. . . . Let us, then, bind the Republic together with a perfect system of roads and canals.' Protection 'would make the parts adhere more closely. . . . It would form a new and most powerful cement.'[2]

It was a propitious moment to raise the customs tariff. National pride had been wounded by depen-

[1] *American Commonwealth* (1888), i. 509.
[2] *Works* (1853 ed.), ii. 172, 190.

dence on smuggled British goods. War industries, suffering from the dumping of British manufactures,[1] were crying for protection, from which almost every section of the country expected to benefit. In New England few cotton mills managed to survive the fall in prices unless they had adopted improved spinning machinery and the power loom. The few experimental mills in the Carolinas were staggering. Pittsburg, already a flourishing centre of the iron deposits of the northern Appalachians, was eager to push its charcoal-smelted pigs and bars into the coastal region, in place of British coke-iron and Swedish charcoal-iron. In Kentucky there was a new industry of weaving local hemp into cotton bagging, which was menaced by the Scots bagging industry. Both these western centres needed roads and canals. The shepherds of Vermont and Ohio wished protection against English wool; the granaries of central New York, shut out of England by the corn laws, were attracted by the home market argument. Even Jefferson, outgrowing his old prejudice against factories, wrote, 'We must now place the manufacturer by the side of the agriculturist'.[2] Congressmen from States that a generation later preferred secession to protection eagerly voted for the tariff of 1816; it was maritime New Englanders, destined to pocket the chief benefits of protection, who voted against it.

[1] Lord Brougham said in the House of Commons on 9 April 1816, 'It was well worth while to incur a loss upon the first exportation in order, by the glut, to stifle in the cradle those rising manufactures in the United States, which the war had forced into existence contrary to the natural order of things. But, in the meantime, the enormous amount of, I believe, eighteen millions worth of goods was exported to North America in one year; I am informed nearly sixteen millions went through the port of Liverpool alone.' *Parliamentary History* (n. s.), xxxiii. 1099.

[2] When forced, however, to pay treble the pre-war price for broadcloth, Jefferson reverted to free trade.

Textiles, in the tariff of 1816, were taxed at twenty-five per cent *ad valorem*; but no cotton cloth was to be rated at a less value than twenty-five cents a yard. As some of the India print-cloths then being imported were worth only one-quarter of that sum, this 'minimum principle' erected an unsurmountable barrier about the coarse sheetings and shirtings produced by northern cotton factories, whilst the constitutional provision of internal free trade gave them the entire home market. Apart from this cunning provision, rates did not afford much protection against Yorkshire woollens, Lancashire cottons, and Staffordshire iron; but were high enough to whet the appetite of American manufacturers for more.

'Internal improvements'—roads and canals at federal expense—were the complement to protection. Immediately after the War of 1812 there was a rush of emigrants to the West, eager to exploit the lands conquered from Tecumseh and from the Creeks. Between 1810 and 1820 the population of the States and Territories west of the Appalachians increased from 1,080,000 to 2,234,000. Four new States, Indiana (1815), Illinois (1818), Mississippi (1817), and Alabama (1819), were admitted from this region, as well as the State of Louisiana in 1812.

Owing to the difficulty of ascending the Mississippi and Ohio Rivers, western supplies of manufactured goods came by wagon road from Atlantic seaports. After the war the increasing use of steamboats on the western rivers threatened the Eastern cities with loss of this western trade. In 1817 a steamboat managed to reach Cincinnati from New Orleans, and two years later there were sixty light-draught stern-wheelers, of the type familiar to readers of Mark Twain, plying between New Orleans and Louisville, Kentucky. Their freight charges to the upper Ohio were less than half the cost of wagon transport from Philadelphia and

Baltimore. For local and selfish reasons the Eastern cities would not combine to further the Western desire for federal roads and canals. New England and the Carolinas feared isolation. Virginia lent State assistance to two companies which hoped to pierce the Appalachians with canals. Pennsylvania went in for road building, and New York State began in 1817 the construction of the Erie canal, which was destined to make New York City outstrip all its rival seaports.

Clay and Calhoun induced Congress to push through a national road from Cumberland on the upper Potomac to Wheeling on the Ohio.[1] Connected with Baltimore by a State road, this 'national pike' became the most important route for emigrants to the North-West until 1840. In 1817 Congress proposed to earmark certain federal revenues for bolder projects of the same sort. President Madison so far had accepted every item in the nationalist programme; but here he drew the line, and vetoed the Internal Improvement Bill. President Monroe had similar constitutional scruples; and by the time John Quincy Adams reached the White House, with even more ambitious plans for the expenditure of federal moneys, nothing could be done with Congress. The Appalachians were destined to be crossed and tunnelled by State authority and corporate enterprise.

4. *The Western Panic of 1819*

Other and more serious problems than transportation were raised by the westward movement after the war. The new settlers, tempted by rising prices of cotton, cattle, and grain, purchased land far beyond their capacity to pay; for the Public Land Act of 1796

[1] The national or Cumberland road was afterwards pushed across Ohio and Indiana to Vandalia, Illinois, by successive appropriations between 1822 and 1838; but the Federal Government relinquished each section, upon its completion, to the State within which it lay.

extended long credit. Much of the best land was engrossed by speculators.[1] When cotton rose to thirty-four cents a pound in 1818, planters paid up to $150 an acre for uncleared land in the rich black belt of Alabama. All this led to a wide dispersal of settlers, as in Canada, instead of the orderly progression along a definite frontier that the Act of 1796 had planned. Until vacant spaces were settled, the scattered frontier farmers found themselves without schools, means of communication, or markets; yet deeply in debt to the Federal Government or to 'wild-cat' Western banks. These in turn were indebted to the United States Bank and to Eastern capitalists, who at the same time were erecting new manufacturing and other corporations far in advance of the country's needs. It was just what happened after the Civil War and the Great War: the piling up of credits in a gigantic top, which could be kept whirling for some time by the lash of optimism, but was certain in the end to topple by its own weight.

The Bank of the United States, which might have put a brake on inflation, was second to none in the mad scramble for wealth. The western branches discounted recklessly. Late in 1818 the directors took steps to curtail credits. Branches were ordered to accept no bills but their own, to present all State bank-notes for payment at once, to renew no personal notes of mortgages. The result was to hasten the inevitable panic; and in 1819 it came. State banks collapsed; and enormous amounts of western real estate became the property of the B.U.S. At this juncture came the decision in McCulloch *v.* Maryland, forbidding the States to tax the 'monster'. It became the Western bogy.

[1] When Morris Birkbeck, a gentleman farmer of Surrey, brought out the nucleus of an English agricultural colony in 1817, he could find no good land in Ohio or Indiana for less than forty dollars an acre, and proceeded into Illinois in order to take advantage of the Government's minimum price of two dollars.

'All the flourishing cities of the West are mortgaged to this money power', declared Senator Benton of Missouri. 'They may be devoured by it at any moment. They are in the jaws of the Monster. A lump of butter in the mouth of a dog—one gulp, one swallow, and all is gone!' Ohio, ignoring the Supreme Court's decision, laid a tax of $100,000 on a local branch of the B.U.S. Ohio congressmen were bawling for 'internal improvements' at federal expense, but their State legislature declared the Kentucky and Virginia resolves of 1798 to be 'the settled construction of the Constitution'.

Would the panic and the McCulloch case, then, turn the West against nationalism, and some new Wilkinson or Burr arise to plot secession? Or would West and South shake hands, conquer the Federal Government by votes, and turn it against the money power?

When the panic came in 1819, payments due to the Government for public land were in arrears many millions, most of which never were and never could be paid.[1] It was clearly time for an alteration in the land laws. By the Public Land Act of 1820 credit was stopped, the upset price was lowered to a dollar and a quarter an acre, and the minimum unit of sale to eight acres. This made it easier for a poor man to acquire land; but the West was not satisfied. Hard times lasted until 1824, affording an ideal culture-bed for the movement afterwards known as Jacksonian Democracy.[2]

[1] Cotton fell from 34 cents in 1815 to 18 cents in 1820 and 12 cents in 1823.

[2] Some of the same remedies for sectional indebtedness were tried as in 1786. Kentucky, for instance, incorporated a bank without stockholders, with State officials as directors, and no other capital than an appropriation of $7,000 for printing notes, which were to be lent on mortgage security to all citizens who applied, 'for the purpose of paying his, her, or their just debts'. By this subterfuge the constitutional prohibition against the emission of paper money by States was evaded; but the courts refused to enforce acceptance of the bank-notes. A similar scheme was tried in Illinois.

5. *The Missouri Compromise*

While debt, deflation, and hard times were producing these preliminary symptoms of a vertical cleavage between East and West, another western question, that of slavery extension, threatened to cut the Union horizontally into North and South. Ever since the Federal Convention of 1787 there had been a tacit political balance between these two great sections, along the old Mason and Dixon's line and the Ohio River. Since 1804[1] the same line had divided the slaveholding States and Territories from those in which slavery was abolished, or in process of extinction. In 1789 North and South were approximately equal in numbers, but in 1820 the Northern or free States had a population of 5,152,000 with 105 members in the House of Representatives; while the Southern or slave States had 4,485,000 people with 81 Congressmen. An even balance had been maintained in the Senate by the admission of free and slave States alternately; after the admission of Alabama in 1819 there were exactly eleven of each.

In the territory of the Louisiana purchase, Congress had done nothing to disturb slavery as it existed by French and Spanish law. Consequently, in the westward rush after the War of 1812, several thousand slave-owners with their human property emigrated to the Territory of Upper Louisiana, establishing corn and cotton plantations in the rich bottom lands of the lower Missouri River, or on the west bank of the Mississippi near the fur-trading post of St. Louis. When the people of this region decided to claim admission to the Union as the State of Missouri, slavery was naturally permitted by their proposed State constitution. In February 1819 a bill admitting Missouri as a State

[1] The year that New Jersey provided for gradual emancipation of her slaves. All other States north of the line had either done so, or had abolished slavery altogether.

came before the House of Representatives. To the surprise and indignation of Southern members, James Tallmadge of New York offered an amendment prohibiting the further introduction of slaves into Missouri, and requiring that all children subsequently born therein of slave parents should be free at the age of twenty-five. Thus amended, the bill passed the House, but was lost in the Senate.

Congress dissolved in March, and the question of slavery or freedom in Missouri went to the people. In State legislatures, in the newspapers, and in popular mass meetings it was discussed and agitated—not as a moral question but as one of sectional power and prestige, yet no less bitterly for that. Northerners had long been dissatisfied with the 'federal ratio'[1] which gave the slave States twenty seats in Congress and twenty electoral votes, based on the enumeration of human chattels. They regarded the admission of Missouri, which lay almost wholly north of the then dividing line between freedom and slavery, as an aggressive move towards increasing the voting power of the South; and many threatened secession if slavery were not defeated. Southerners did not defend the rightfulness of slavery, but asserted their right to enjoy human property in the trans-Mississippi West; and threatened secession if they were denied. Surviving Federalist politicians, and middle-state Republicans, saw an opportunity to create a solid North; to snatch the sceptre from Virginia for ever, as Harrison Gray Otis said.

'Federalism', wrote the aged Jefferson, 'devised this decoy to draw off the weak and wicked from the Republican ranks. . . . The East is replaced in the saddle of government, and the Middle States are to be the cattle yoked to their car. . . . My hope and confidence however is . . . that they will retrace their steps back to those honester brethren of the South and West.'[2]

[1] See above, p. 85.

[2] 23 October 1821. *Magazine of History*, xxi. 255.

So it happened. When the new Congress took up the question, in January 1820, enough Northern Republicans were detached from the anti-slavery *bloc* by fear of a Federalist renaissance, to get a compromise measure through House and Senate. Missouri was admitted as a slave-holding State, and slavery was prohibited in the territory of the United States north of latitude 36° 30'.[1]

This was the famous Missouri Compromise, which put the question of slavery extension at rest for almost a generation. It was a fair enough solution. The South obtained its immediate object, with the prospect of Arkansas and Florida entering as slave States in the near future; the North secured the greater expanse of unsettled territory, and maintained the principle of 1787, that Congress could keep slavery out of the Territories if it would.

Angry passions quickly subsided, the sectional alinement dissolved, and politics resumed their delusive tranquillity. For a moment the veil had been lifted, and there were some who saw the bloody prospect ahead. 'This momentous question, like a fire bell in the night, awakened and filled me with terror', wrote Jefferson. 'I considered it at once as the knell of the Union.' And John Quincy Adams recorded in his diary: 'I take it for granted that the present question is a mere preamble—a title-page to a great, tragic volume.'

[1] The southern boundary of Missouri, and roughly equivalent to the southern boundary of Virginia and Kentucky. As part of the compromise, Maine, which had just detached itself from Massachusetts, was admitted as a free State, making twelve of each.

XXV

ANGLO-AMERICAN ADJUSTMENTS

1815–22

1. *Castlereagh and J. Q. Adams*

ALMOST a century of diplomacy was required to clear up all the questions left open between Britain and America by the Treaty of Ghent. That diplomacy did settle them is perhaps the greatest triumph of that much-abused profession during the nineteenth century. Neither the treaty, nor the situation in 1815, nor the mutual disposition of the British and American peoples, gave much ground for hope of a lasting peace. John Quincy Adams wrote before the year was out that the treaty was 'a truce rather than a peace. Neither party gave up anything; all the points of collision which had subsisted between them before the war were left open. . . . Nothing was adjusted, nothing was settled—nothing in substance but an indefinite suspension of hostilities was agreed to.'[1] Canada with a long and vague boundary, rival peltry and fishing interests, and a freshwater naval force, promised so many points of friction between the two countries that Alexander Baring wished his government would give up Canada at once. It 'was fit for nothing but to breed quarrels'.[2] No more attempts were made, as in 1783–95, to evade just debts or to stir up redskins; but there was no abatement of rival pretensions respecting the carrying trade and West India commerce that had caused so much trouble in the eighteenth century. *The Times*, in its leader on the Peace of Ghent, predicted 'the

[1] *Writings* (Ford ed.), v. 372.

[2] J. Q. Adams, *Memoirs*, iii. 279. Later, as Lord Ashburton, Alexander Baring helped his government enlarge the boundaries of Canada at the expense of Mr. Adams's own State.

speedy growth of the American Navy, and the recurrence of a new and more formidable American War'. A dangerous business, indeed, to give Neptune a black eye but leave him the trident!

Many Americans, and not a few Britons, were thinking of Rome and Carthage. From one side, naval victories and New Orleans had drawn off much of the Anglophobia that had been gathering since 1783; but there was plenty of bad humour left. As Canning wrote his friend Charles Bagot, the first Minister to the United States after the war, 'the hardest lesson a British minister has to learn in America is not what to do, but what to bear'. English Tories no longer regarded the United States as a jest, but as a menace to British institutions; there was grave danger lest the success of republicanism and the progress of democracy might delude the weak and wicked into a belief that such things might be in England. That uneasy feeling was largely responsible for the sneering strictures upon American life, character, and letters with which the *Edinburgh* and the *Quarterly* teemed during the years following 1815; an attitude which prevented the common ties of blood and language from having their natural effect. Many years were to elapse before the British and American people could feel a mutual esteem, and more must elapse before esteem develops into fraternity; but in 1815 they had at least learned the mutual respect that comes from measuring swords and exchanging broadsides.

During the first fifteen years of peace the Tories were in power. Yet it was a leader of that party who did most to bring the two nations together. Lord Castlereagh coined no phrases about Anglo-Saxon solidarity during his long career. In England his achievements were eclipsed by the plausible Canning; in America he is known chiefly through Byron's savage verses. Yet, judged by his deeds, this great and silent statesman must be placed beside Washington, Hamilton, and

Bryce as a promoter of Anglo-American concord. He was the first British statesman to regard friendship with America as a permanent British interest. His policy was to treat the United States in every respect as an equal, 'to smooth all asperities between the two nations, and to unite them in sentiments of good will as well as of substantial interest, with each other'.[1] And he was met half-way by Madison and Monroe, founders of a party traditionally anti-British.

Few would assert that Castlereagh was met half-way by John Quincy Adams, who left the London legation to become Monroe's Secretary of State in 1817. Adams really desired peace and friendship as ardently as Castlereagh; but the spectacle of Downing Street bearing gifts was new to his experience, and a challenge to his suspicious nature. Adams, moreover, was an aggressive nationalist. He loved his country with a bitter intensity that was not returned. To advance every American interest and defend every American right, well knowing that others would get the credit of success and he alone the blame of failure, afforded him that sort of pain which in a puritanic nature becomes pleasure. Harsh and irascible in personal intercourse, Adams made a poor diplomatist, and as Secretary of State his notes needed pruning and softening by the kindly and mellow Monroe. But his perception was abnormally keen, and alone of contemporaries he portended America's future place in the world.

2. *Disarmament on the Lakes*

So much had been left out of the Treaty of Ghent that almost the only controversial clause in it was the prohibition on British forces, when withdrawing from the United States, to carry away slaves and other pri-

[1] Castlereagh to Bagot, 'private and confidential', 10 November 1817, F. O. 5, 120.

vate property. It was not quite clear whether this applied merely to the few places in British occupation when the war ended, or included some 3,600 slaves carried off with other loot by the naval expeditions to the Chesapeake and the Gulf of Mexico.[1] After ten years' negotiation, the British Government paid over a million dollars in complete satisfaction of the slave-owners' claims.

Article X of the Treaty of Ghent provided that the contracting parties should 'use their best endeavours' to abolish the slave trade. Congress had outlawed the slave trade in 1808, and in 1820 declared it to be piracy, punishable by death. But the United States refused to enter any international agreement for joint suppression. It was not that the slave States had a sneaking desire to continue the traffic—every decent Southerner then regarded it with horror—but that the search of American vessels by British cruisers aroused unpleasant memories, and seemed, in some measure, to admit one of the pretensions of British sea-power.[2] A small American

[1] These slaves were not all refugees, as stated in Webster's *Castlereagh*, p. 445, and the *Camb. Hist. Br. For. Pol.* ii. 224. Some of them sought British protection, in consequence of a proclamation of Lord Cochrane offering them freedom; others were captured in raids; and the American Government had evidence, which it did not press, showing that many of the latter class were regarded as prizes and sold in the West Indies. As for the dispute about the words of the treaty, it is clear that the American commissioners asked to have the position of a clause changed, so that the article would mean what they frankly stated they wished it to mean; and the British commissioners acquiesced because they thought it still possible to put their own construction on the clause. It was the sort of thing that often happens towards the close of a long negotiation, especially in treaties drawn up in the English language—notably in the Clayton-Bulwer treaty, and the Washington treaty of 1871. *Am. State Pap. For. Rel.* iv. 106–26, v. 800 ff.; *Hist. MSS. Comm., Bathurst MSS.*, p. 370.

[2] J. Q. Adams, a strong anti-slavery man, was one of the most stubborn Americans on the right of search. When Wilberforce broached the subject in 1817, he suspected that it originated in the mind of his brother-in-law, James Stephen, the anti-neutral pamphleteer of 1805. (*Memoirs*, iii. 557.) In 1824 an Anglo-American convention was con-

squadron was maintained on the African coast, to watch for slavers flying the American flag; but it was unable to prevent fast clippers running 'black ivory' into the Southern States.

Disarmament on the Great Lakes was the first fruit of Anglo-American diplomacy after the war; and the most lasting. Peace found each side feverishly building ships against the other on Lake Ontario. There were two American and two British 74's on the stocks; and at Kingston a freshwater leviathan, the 110-gun frigate *St. Lawrence*, was nearing completion. The Canadians, apprehensive of further American aggression, frustrated in their hope of a buffer state that would give them complete control of the Lakes, looked for large outlays by the British Treasury to complete this building programme.

It is a national trait of Americans to prepare for war only when war comes; and when war is over to prepare for peace. How long this trait may endure while the rest of the world refuses to disarm is uncertain; but in 1815, as in 1920, the initiative came from the United States. An Act of Congress of 27 February 1815 authorized President Madison to sell or lay up in ordinary all the Lake fleet not necessary for enforcement of the revenue laws; and this he promptly did.[1] During the summer occurred several 'untoward incidents' on the Lakes connected with the right of search; and in the autumn came a disquieting rumour from

cluded permitting cruisers of either navy to search vessels of either country 'on the coast of Africa, of America, or of the West Indies'. The Senate, by a close vote, with both free and slave States split, struck out the words 'of America', and the British Government refused to ratify the amended treaty. But in 1834 the British Government offered to ratify this treaty as amended, and the American Government refused. No proper treaty on the subject was concluded until 1861.

[1] The army at the same time was reduced to 10,000 men, and in 1820 to 6,000.

Adams, then American Minister at London, that the British Cabinet had determined to carry on its building programme. President Madison then made a momentous proposal. At this instance, on 16 November 1815, the Secretary of State instructed Adams:

'It is evident, if each party augments its force there, with a view to obtain the ascendancy over the other, that vast expense will be incurred and the danger of collision augmented in like degree. The President is sincerely desirous to prevent an evil which, it is presumed, is equally to be deprecated by both governments. He, therefore, authorizes you to propose to the British Government such an arrangement respecting the naval force to be kept on the Lakes by both Governments, as will demonstrate their pacific policy and secure their peace.'

Let those who accuse American statesmen of too lengthy memories for ancient wrongs, remember that only fifteen months before President Madison had been a refugee from his own devastated capital.

Although Castlereagh had drafted an instruction looking towards mutual disarmament on the Lakes, for the negotiation at Ghent,[1] Adams found him a year later rather diffident on the subject. He argued that Britain must be able to defend Canada against a sudden onslaught of American frontiersmen. Adams retorted that if Britain were the weaker party, her interest in disarmament was only the greater; and pointed out that competitive building 'besides causing an aggravation of useless expense to both parties, must operate as a continual stimulus of suspicion and ill-will. . . . The moral and political tendency of such a system must be to war and not to peace.'

[1] It was not used; the British commissioners demanded *unilateral* disarmament by the United States. That was the 'similar proposal' to which the *Cambridge Hist. Br. For. Pol.* (ii. 232) refers and which the Americans refused. (Procès-verbal of 19 August 1814, *Am. State Pap. For. Rel.* iii. 769.) The first proposal of *mutual* disarmament came from Hamilton, and was developed by Jay in the negotiation of 1794 (Bemis, *Jay's Treaty*, pp. 215, 244).

Castlereagh, it is now clear, saw the question eye-to-eye with Adams; but with his usual reticence he gave no hint of his private views until the Cabinet was won over to them.[1] Then, on 9 April 1816, he informed Adams that His Majesty's Government was ready to accept the President's proposal. Formal negotiation was then transferred to Washington, and on the 28/29 April 1817 the famous agreement was effected by an exchange of notes between Bagot and Richard Rush, the acting Secretary of State.

This Rush-Bagot agreement (approved by the Prince Regent, by the Senate *nem. con.*, and proclaimed by President Monroe on 28 April 1818) provides that the naval force to be maintained upon the American Lakes by the two Governments shall be limited, on each side, to a single-gun vessel of an hundred tons on Lake Ontario, another on Lake Champlain, and two of the same sort on the Upper Lakes. It might be denounced at six months' notice; but in spite of strong pressure at periods of Anglo-American tension, it is still in force, although modified in detail by mutual agreement in order to meet changed needs of revenue control, and newer methods of naval propulsion.

If Madison deserves all credit for the initiative, Castlereagh took the greater risk. An ordinary diplomatist would have wished to 'insure' Canada by naval supremacy against an 'inevitable' aggression by the growing American West. That Castlereagh, like Shelburne, foresaw a westerly expansion of the United States, that he regarded their northward aggression in

[1] Adams states in his *Memoirs*, and several American writers have repeated, that a jingo sentiment towards America was evinced in the debate on navy estimates in March 1816. A search of Hansard shows nothing of the sort, except a speech by that clownish Cassandra, Admiral Sir Joseph Yorke, to the effect that America was a dangerously growing naval power which could no longer be fought with 'bumboat expeditions'—a speech received by the House with sarcastic cheers and laughter.

1812 as fortuitous and temporary, may perhaps be doubted; but events justified his policy. Yet, in weighing the causes of American-Canadian amity, we must not forget that the Rush-Bagot agreement, important as it was in removing causes of irritation, could have been maintained only by the United States abandoning designs on Canada, and by Canada renouncing her dream of a buffer Indian state. Without violating the Rush-Bagot agreement, the American-Canadian boundary might have been lined on both sides with forts and armed encampments. Mutual respect and goodwill have kept it undefended and unfortified. The cry of 'On to Quebec!' heard intermittently since 1685 was never again raised.[1]

3. *Boundary Adjustments*

With frigates rotting on the stocks or in dry-dock, it was a much easier matter to adjust this four thousand mile boundary, of which a scant two hundred miles[2] had as yet been determined beyond dispute. Several joint commissions for this purpose were provided in the Treaty of Ghent. The first promptly settled where the eastern end of the boundary should run, between the islands of Passamaquoddy Bay. The second was quite unable to discover the whereabouts of the famous highlands between the St. Lawrence and the Atlantic Ocean, mentioned by the treaty of 1783. This question was then referred to the arbitrament of the King of the Netherlands who, pleading similar inability, recom-

[1] By searching American Congressional debates, newspapers, and other writings during the last century, one can compile a formidable array of spiteful and aggressive sentiments with regard to Canada; and the same might be done on the other side. No party or considerable faction in either country has harboured aggressive designs against the other. Yet 'Yankee aggression' serves as a bogy in Canadian elections, as seventy years ago 'British aggression' did in U.S. elections.

[2] The St. Croix River and the line due north from its source, between Maine and New Brunswick.

mended a compromise which the United States refused to accept; and the matter went over to the Webster-Ashburton negotiation of 1842. The third joint commission drew on the boundary from the forty-fifth parallel of latitude, through the St. Lawrence and the Lakes, just short of the Sault Ste. Marie between Huron and Superior; Webster and Ashburton continued it as far as the Lake of the Woods.

At that point the international frontier had been left hanging in mid-air by the Treaty of 1783. No line could be drawn thence 'westerly to the Mississippi', because that river happened to rise considerably to the eastward and southward. This and the Oregon question were dealt with in the Convention of 1818. The Lake of the Woods cut the forty-ninth parallel of latitude, which had been regarded as the northern boundary of French Louisiana as far back as 1719.[1] Accordingly the Canadian-American boundary was extended along this parallel to the 'Stony Mountains'.

West of the Rocky Mountains, between Spanish California and Russian Alaska, was the region vaguely known as Oregon.[2] Britain had challenged Spain's exclusive claim to this territory in the Nootka Sound affair of 1789; but a Boston seaman's discovery of the Columbia River in 1792 gave the United States a claim. No settlement had yet been made, but the Canadian North-West Company (which was absorbed by the Hudson's Bay Company in 1821) and J. J. Astor's American Fur Company had established trading posts there before the war. Although the former purchased the property

[1] The Commissioners for Trade and Plantations, on 3 September 1719, instructed the commissioners appointed to negotiate with France to obtain the forty-ninth parallel west of Lake Superior as the boundary between Louisiana and the Hudson's Bay Company—C. O. 391, 117, p. 134.

[2] Comprising British Columbia, and the States of Oregon, Washington, and Idaho. The name, which first is found in literature in Jonathan Carver's *Travels*, was popularized by Bryant's *Thanatopsis*.

rights to the American post of Astoria, American jurisdiction was restored by the Treaty of Ghent. No agreement could be reached in the negotiation of 1818 as to the partition of Oregon, so the region was left open for ten years to the vessels, citizens, and subjects of the two powers. Before the decade elapsed, the claims of Russia and Spain had been eliminated, and in 1827 the agreement for joint occupation was renewed.

The Newfoundland fisheries question, on which the Ghent negotiators failed to agree, was also dealt with in the Convention of 1818. Britain, in agreement with the principle then maintained by the Foreign Office that wars annul privileges accorded in previous treaties,[1] was not obliged to subject herself anew to this international servitude; and Castlereagh did so for no other reason than to evince his government's friendly disposition. Although the broad provisions of the treaty of 1783 were not renewed, American fishermen were conceded the right to take, dry, and cure fish, and obtain wood and water, within the three-mile limit on definite parts of the Newfoundland and Labrador coasts.[2]

Unfortunately, since the negotiators had a very remote knowledge of sea fisheries, ancillary and implied privileges such as purchasing bait were not accorded. Efforts of the Newfoundland Government to police the Yankee fishermen, who cared little for treaty limitations, produced an almost continuous diplomatic controversy until 1910, when the Hague Tribunal gave an arbitral decision which, it is devoutly hoped, will put the question to sleep permanently.

[1] Great Britain 'knows no exception to the rule that all treaties are put to an end by a subsequent war between the same parties', Bathurst to Adams, 30 October 1815, *Am. State Pap. For. Rel.* iv. 354–6.

[2] There was no question of America's right to fish on the Grand Banks, which are within the high seas.

4. *Arbuthnot, Ambrister, and Andrew Jackson*

It was on the south-eastern border, between the southern tier of States and Florida, that Anglo-American amity was gravely endangered. East Florida [1] was a Spanish province, but Spanish authority was hardly exercised beyond the three fortified posts of Pensacola, St. Marks, and St. Augustine. The loyalist settlers of 1782 had long since left; the only breaks in the vast stretches of semi-tropical forest and morass were made by Seminole villages,[2] and a few obscene settlements of maroons, fugitive slaves from Georgia. After the battle of New Orleans, Lieut.-Colonel Nicholls[3] ordered Captain Woodbine's black-and-tan 'colonial marines' to Florida; built a fort on Spanish territory near the Georgian border, concluded an alliance in the King's name with the Seminoles and refugee Creeks, and encouraged the latter to believe that the disastrous treaty exacted of them by Jackson in 1814 was nullified by the Treaty of Ghent. Returning to England in the summer of 1815, Nicholls was promptly disavowed by the Government, which nevertheless bestowed costly presents on his Indian allies, and on one a brigadier's commission and a scarlet coat. To the Colonial Office, all this was nothing more than a graceful dismissal; to the untutored mind of the redskin it was earnest of further support; to the American frontiersmen who were pressing down towards the Florida frontier it was a retaining fee to their enemies.

About the time that Nicholls disappeared, there arrived on the coast of Florida an elderly Scot named Arbuthnot, in his trading schooner *Chance*. No one knew whence he came, but so fairly did he deal with

[1] The present State of Florida.

[2] Seminoles (meaning runaways or renegades) were the branch of the Creeks who lived south of the boundary of the United States.

[3] See above, p. 301.

the Indians as to gain their friendship, and become their informal protector. Arbuthnot's influence was wholesome and his counsel temperate; but with a zeal that may have been merely the defect of his benevolence, he intervened officiously on the Indians' behalf with the American authorities, suggesting the very dangerous notion that Jackson's Creek treaty of 1814 was void. In the light of what Nicholls and Woodbine had been doing on that same border, Arbuthnot appeared a criminal meddler, an inciter to savage outrage, vermin to be exterminated.

Returning to Nassau in the *Chance* for a new cargo of trading goods, Arbuthnot met a young adventurer named Ambrister. This former subaltern in Nicholls's colonial marines was visiting his uncle, the Governor of the Bahamas, in search of fun and fortune. Finding neither in that petty colonial capital, Ambrister came to Florida in Arbuthnot's employ, and joined a group of Seminoles on the Suwanee river, under a chief whom the whites called Billy Bowlegs. Splendid fellows Ambrister found them—best soldiers in the world if properly led and equipped. If only those damned clerks at the Colonial Office would not interfere! However, the shooting was magnificent, and the land was certain to be the garden spot of America one of these days. A few days' march across the peninsula one could visit M'Gregor and his boys, at Amelia Island. Pirates if you like, but generous, open-handed chaps who put it in a fellow's way to make a little money.

In 1817 the Seminoles on the American side of the border defied settlers to enter upon the Creek lands which had been ceded three years before, and scalped some of those who did. Andrew Jackson, the hero of New Orleans, was ordered by President Monroe to raise a force of Tennessee militia, chastise the offenders, and pursue them into Florida if necessary. He always insisted that he had been verbally authorized to occupy

Florida as well, and hold it as a gage—but this the President always denied. However that may be, Jackson was destroying the Seminole villages in United States territory, when a detachment of forty officers and men on their way to join him, with eleven women and children of the officers' families, were ambushed by the Seminole chief Himollemico, and murdered. Jackson burst into Florida like an avenging flame. Himollemico and Hillis Hago, he of the scarlet coat and brigadier's commission, fled to St. Marks. In the bay was a small gun-boat with the Union Jack at her peak—help at last from the Great White Father! Eagerly the two chiefs rowed out to greet their allies. With mock honours they were received, and promptly clapped into irons. It was an American gun-boat and the Union Jack was a ruse. The next day (7 April 1818) Jackson entered St. Marks against the protest of the Spanish Governor, hauled down the Spanish flag and hanged the two chiefs without trial. Arbuthnot was arrested when about to leave the town. Reserving him for later attention, Jackson pushed eastward through the gloomy forest festooned with Spanish moss, to surprise Billy Bowlegs at the Suwanee. The Indians escaped to the impenetrable thickets and everglades of central Florida. Jackson, furious and baffled, learned the cause of their escape when Ambrister blundered into his camp. On one of his escort was found a letter from Arbuthnot, warning Billy Bowlegs of Jackson's approach, and offering him ten kegs of gunpowder.

A court martial was quickly constituted at St. Marks, Arbuthnot placed on trial for espionage and inciting the Indians against the United States, Ambrister for actively leading them in war. Arbuthnot put up a stout defence, Ambrister threw himself on the mercy of the court. Both were found guilty and sentenced to death. The verdict was reconsidered in the case of Ambrister, whose youthful recklessness appealed to the

court ; but General Jackson sternly set it aside. How could he spare these 'unprincipled villains' as he deemed them, 'wretches who by false promises delude and excite an Indian tribe to all the horrid deeds of savage war' ? Within a few hours Ambrister went before a firing squad, and Arbuthnot, protesting with the dignity of seventy years that his country would avenge him, was hanged from the topsail yard of the *Chance*.

The Seminoles' power was broken, but Jackson had not finished. Another forced march through the jungle and Pensacola was taken, the Spanish Governor ejected, and the fortress garrisoned with Americans. Then Jackson returned, to be acclaimed once more a hero by the West ; but Easterners thought of Roman history and trembled. In Monroe's Cabinet, Adams alone took the high ground that Jackson's every act was justified by the incompetence of Spanish authority to police its territory ; and Adams had his way. A congressional committee reported a resolve censuring Jackson ; and in support of it Henry Clay made one of the greatest speeches of his eloquent career.

'However guilty these men were, they should not have been condemned or executed without the authority of the law. I will not dwell upon the effect of these precedents in foreign countries, but I shall not pass unnoticed their dangerous influence in our own. . . . It was in the provinces that were laid the seeds of the ambitious projects that overturned the liberties of Rome.'

When the news reached London in the autumn of 1818, Parliament fortunately was not in session. But the press rang with denunciation of America, and of the ruffian who had murdered two peaceful British traders. Public opinion demanded instant disavowal, apology, reparation. 'The firmness of . . . Lord Castlereagh under the emergency, sustained by the same feeling in some of his colleagues in the cabinet, was the main cause of preventing a rupture between the two

nations', wrote the American Minister, Richard Rush. War would have been produced, '*if the ministry had but held up a finger*', Castlereagh told him.[1] Unmoved by public clamour, the Foreign Secretary calmly examined the documents from Washington, and decided, as he wrote Bagot, 'that the unfortunate sufferers, whatever were their intentions, had been engaged in unauthorized practices of such a description as to have deprived them of any claim on their own government for interference'.[2]

Possibly Lord Castlereagh was too temperate; Lord Palmerston would have held up a finger. The case, however, must be examined in its proper setting, which Rush, in his conversations with the Foreign Minister, ably supplied. Since 1780 the unauthorized activities of British traders and petty officials among the redskins had cost the United States very dear; yet no one of them had yet been brought to book. There was no need to repeat the warning that the execution of Arbuthnot and Ambrister was intended to convey.

5. *The West India Trade*

There remained the dreary and difficult subject of the West India trade: matters of ocean freight, cargoes of pork, timber, molasses, and rum. From 1793 to 1812 the United States had enjoyed open trade with the British West Indies by proclamation, and now hoped to secure it by treaty. Castlereagh, however, said that his government was determined to reserve imperial trade for the British flag.[3] In an Anglo-American commercial treaty negotiated at London in 1815, each power agreed to abolish its discriminating tonnage duties on the other's vessels, when engaged in direct

[1] *Residence at the Court of London* (London, 1833), pp. 451–2. The phrase is somewhat altered in Rush's later books.

[2] J. Q. Adams, *Writings*, vi. 515. 2 January 1819.

[3] *Hist. MSS. Comm., Bathurst MSS.*, p. 296.

trade between Great Britain and the United States; but England refused to admit American ships to British North America on any terms that the United States cared to accept; and excluded them absolutely from the British West Indies.[1] Thus, after fighting a war with Great Britain, the United States could obtain no better terms for her ships than John Jay had done in 1794—a fact which the surviving Federalists did not fail to bring to President Madison's attention.

For a time, until the United States began to retaliate, these arrangements were very profitable to British shipping, because they excluded American vessels from the natural course of Anglo-American trade. A British ship could sail, let us say, from Liverpool to New York, and there be admitted on the same terms as an American competitor. From New York she could carry provisions, lumber, and live stock to Jamaica, whence the American flag was excluded. If she did not return directly to England, she could carry molasses and sugar from Jamaica to, let us say, Charleston, and from Charleston take cotton to Liverpool. British ships could sail on four sides of the quadrilateral; Americans only on two. Monopoly of the Jamaica angle enabled British ships to cut freights all round; and, as in 1783–8, to absorb most of the direct carrying trade between England and the United States.

Theoretically, there was no reason why this profitable state of trade should not continue. Actually the economic dependence of the British Islands on the Thirteen Colonies and the United States has defied laws and politics from the seventeenth century to the present day. Nova Scotia, New Brunswick, and Canada, with one-twelfth or one-fifteenth the population of the United States in 1820, were unable to provide the Islands with sufficient food, or to absorb more than a

[1] They were admitted, however, to the British East Indies on the same terms as the ships of other nations.

small fraction of their produce. The Americans could get their molasses from Cuba, Martinique, or the Dutch and Danish West Indies. Hence concessions had to be made to the United States, unless the island colonies were to be sacrificed to a principle. Castlereagh, accordingly, on 19 March 1817, offered Adams (then American Minister in London) some important concessions. Adams should have accepted this offer, in the hope of obtaining more later; but an accommodation was prevented by his obstinacy. Overrating the dependence of the West Indies upon his own country, Adams thought that the British colonial system could be smashed by retaliatory legislation against British shipping in American ports.[1] Not only then, but for ten years to come, as Secretary of State and President, Adams refused to meet England on any other terms than the reception of American ships and products in the West Indies on complete equality with British ships and Canadian products. The opening gun in his campaign of retaliation was the American Navigation Act of 18 April 1818, which closed the United States to British vessels coming from, or destined to, a West India port whence American vessels were excluded.

Yet it was Adams's obstinacy, no less than the growth of free-trade doctrine in Britain, that made an important breach in the old colonial system. Whitehall met the American Navigation Act by establishing free ports in Nova Scotia for the West India trade. British vessels took American goods to Halifax and St. John, where they were transhipped to the Islands; and the same ships brought colonial products back to Nova Scotia, whence they were transferred to the United States. Adams induced Congress to retaliate (1820) by

[1] *Amer. State Pap. For. Rel.* iv. 367, 401–2, v. 1; L. W. Tazewell, *Review of Negotiations between the U.S.A. and Great Britain respecting the Commerce with the West Indies* (London, 1829), pp. 51–3. There is a rather garbled version of this episode in *Amer. Hist. Rev.* vii. 505.

closing United States ports to British vessels from the Maritime Provinces. This merely diverted the trade to entrepôts that had done a similar duty in former generations—the Dutch and Danish Islands. It had the effect, however, of giving American vessels the longer carriage, of increasing the price of provisions in the British Islands, and helping their competitors for the American market. Consequently, and to the joy of American shipowners, the West India planters complained loudly and bitterly against the old colonial system. Their cries of distress provided an immediate motive for F. J. Robinson to introduce his two West India bills in the House of Commons.[1] The one which became the West Indian and American Trade Act on 24 July 1822 admitted to the British West Indies the vessels and products of any American country that would grant reciprocal privileges. Imperial preference was secured by light duties on foreign products, from which British colonial products were exempted; and by the exclusion of foreign salt meats and fish. It was an entering wedge for free trade, and a diplomatic triumph for the United States. As Stapleton wrote, 'The victory was theirs, we yielded'.[2] Yet Adams had not the wit to see what an immense concession had been made. Believing that by yielding nothing the United States could gain all, he insisted that Britain should throw imperial preference overboard with the Navigation Act.

Castlereagh's life ended in September 1822. George Canning was ready for another round of the non-intercourse game, with the same adversary he had beaten in 1809. Five new American nations had come into existence. Let them be linked up with British America, and the United States hawk elsewhere its pork and staves and fish!

[1] Hansard (new series), vi. 1427; cf. vii. 675 and *Bathurst MSS.*, pp. 517–18.

[2] Stapleton, *Political Life of George Canning*, iii. 14.

XXVI

THE MONROE DOCTRINE

1817–23

1. *Revolution in Latin America*

IN 1815 the United States was the only republic in a colonial hemisphere. During the next seven years almost the whole of the continental area from Canada to Cape Horn had freed itself from European control, and the greater part was republican. A status meagre in elements of stability, rich in possibilities of trouble, had been created. Armed intervention by the Holy Alliance, a new balance of power, an Anglo-American entente, or a Pan-American alliance—anything might have happened. Out of the confusion of voices came one clear note: the Monroe Doctrine, to which American foreign policy has ever since been tuned.

In the eighteenth century Latin America had few points of contact with the United States, and nothing in common. An inert mass of Indian serfs, negro slaves, and mixed breeds, was exploited by a small governing class of Castilians, highly intelligent in many matters, but ignorant of liberty and content to be ruled by Spanish viceroys under the laws of the Indies. The few men, such as Bolívar and Miranda, who aspired to something different and better were forced into exile; Miranda's attempt in 1806 to free his native province with British aid was a complete fiasco.

Two years later, when Napoleon invaded Spain, Spanish America got the taste of liberty that gave appetite for more. The governing classes, unwilling to obey a usurping Bonaparte, formed provisional juntas which professed to govern Spanish America in the name of Ferdinand VII until his happy restoration. By 1812 all the mainland provinces were *de facto* independent of

Spain. Their commerce was thrown open to the world, their intellect to modern ideas. Congress appropriated money for the relief of sufferers from an earthquake in Venezuela, and the first newspaper in Chile was set up by new-comers from New York. So many Yankee ships resorted to South American ports that President Madison sent consuls to Buenos Aires and Carácas in the years 1810–12.

The restoration of Ferdinand VII in 1814 took by surprise the South American leaders, who rejected his peremptory demand for unconditional submission. The king, however, had an army and a fleet. By 1816 he had reduced all the *de facto* States but La Plata (the Argentine), and restored the Spanish colonial system.

José de San Martín kept the revolutionary flame alive in a remote and recently settled province of La Plata, among a population not unlike the North American frontiersmen. In January 1817 he began his epic march across the Andes with thirty-five hundred men, several thousand animals, and artillery, by a pass over half again as high as the Grand St. Bernard. At Chacabuco on the Pacific slope he defeated a royalist army. Chile was then liberated, and organized as a republic under Bernardo O'Higgins, son of an Irish adventurer in the Spanish service, as supreme dictator. In the meantime, Simón de Bolívar had spread revolution up the Orinoco valley, and framed a fantastic constitution for the Republic of Venezuela.

2. *American and British Policy compared*

Recognition of their independence at Washington was both sought for and expected by the three new republics. Henry Clay, in an oration describing the 'glorious spectacle of eighteen millions of people struggling to burst their chains and be free', gave the lead to North American opinion. Yet Clay was unable

to prevent Congress from passing a Foreign Enlistments Act in 1818; and on President Monroe his eloquence had slight effect. John Quincy Adams, the Secretary of State, never allowed sentiment to weaken his grasp of his own country's permanent interest. 'That the final issue of their present struggle would be their entire independence of Spain, I had never doubted', he told Clay.[1]

'That it was our true policy and duty to take no part in the contest, I was equally clear. The principle of neutrality to *all* foreign wars was, in my opinion, fundamental to the continuance of our liberties and of our Union. So far as they were contending for independence, I wished well to their cause; but I had seen and yet see no prospect that they would establish free or liberal institutions of government. . . . Arbitrary power, military and ecclesiastical, was stamped upon their habits, and upon all their institutions. Civil dissension was infused into all their seminal principles. . . . I had little expectation of any beneficial result to this country from any future connexion with them, political or commercial.'

This passage reveals almost the whole policy of Monroe's administration towards the Latin Americans. Their independence was desired as an additional bulwark for American isolation; but not with sufficient ardour to risk a European war. It was a policy unadventurous and frankly selfish, as Latin-American publicists have pointed out. European statesmen of that day, and European historians of ours, were wrong in attributing to Monroe and Adams, or even to Clay, a desire to dominate, to obtain exclusive commercial privileges, to organize a league of western republics against monarchical Europe.[2] Their policy was not

[1] *Memoirs*, v. 324–5.

[2] Nesselrode in 1814 wrote Alexander I, 'The dominant party in America . . . is aiming at a complete revolution in the relations of the New World with the Old by the destruction of all European interests in the American continent.' (Quoted by A. F. Pollard in *History*, n. s., iv. 1.) A note of the French and Russian ambassadors at the

Pan-American, as Blaine and Olney understood the term; although Clay at least anticipated Woodrow Wilson's 'spiritual partnership'. So long as Europe did not actively intervene, Monroe and Adams were content to stand aside and let Spain fight it out with her colonies; but they would certainly oppose any attempt of the Holy Alliance to interpose.[1]

Castlereagh and after him Canning were at one with the American Government in that feeling, but at variance with it in every other aspect of policy towards Latin America. The ambition of Ferdinand VII forcibly to subject the revolted colonies to his absolute rule, and the scheme of Chateaubriand to create three American kingdoms for Bourbon princes, were equally obnoxious to the Foreign Office. Castlereagh steadfastly sought to reconcile Spain with her colonies on the basis of autonomy and free trade. By a dubious agreement of 1811 with the Cortes, which Ferdinand grudgingly recognized, England was allowed to trade with Spanish America; while the continental monarchs, out of regard for their Bourbon ally, forbade

Congress of Aix-la-Chapelle declared that the United States was seeking to place itself at the head of a great republican confederation, which would be a centre of infection and disorder to worn-out monarchical Europe (Wellington, *Suppl. Desp.*, xii. 805–9; cf. *Amer. Hist. Rev.* xxviii., 667–8). The idea was restated by Canning in 1824 (*Camb. Hist. Br. For. Pol.*, ii. 74–5). Prof. A. P. Newton, *ibid.*, ii. 234, alludes to Adams's 'practical designs for a confederacy of the western world under the leadership of the United States', and Mr. Harold Temperley, in his many able articles and books on Canning, assumes the correctness of Canning's belief that the American Government was seeking to 'connect itself with all the powers of America in a general Transatlantic league, of which it would have the sole direction' (*Amer. Hist. Rev.*, xi. 781). Although greatly indebted to Mr. Temperley for his enlightening answers to my inquiries about Canning's policy, I am unable to find any evidence in the writings of American statesmen to substantiate Canning's views of their policy.

[1] So Gallatin, the American Minister at Paris, informed Chateaubriand on 24 June 1823. Gallatin, *Writings*, ii. 271–2.

that privilege to their subjects. Hence, except for North American competition, Britain had this virgin market to herself. British exports to South America increased by leaps and bounds, until in 1822 they surpassed those to the United States; and within a few years the Brazils alone were taking more Lancashire cottons than the United States. British commercial houses were established in South American ports, mining concessions were obtained by British subjects in Mexico, Brazil, Colombia, and La Plata, and loans of the revolutionary governments were floated in the City.

From 1817 to 1822 Castlereagh and Monroe frequently invited each other to co-operate towards the solution they respectively desired: on the one side reconciliation; on the other independence. Castlereagh wished to prevent the United States from encouraging Latin-American republicanism by recognition; Monroe, unless assured of British support, dared not affront the Holy Alliance by recognition, which he feared would be forced upon him by a sentimental public opinion. Each government refused the other's advances because each thought it could obtain what it wanted by waiting. The United States, however, could better afford to wait than Britain; and Adams knew it. He was willing that the reconciliation policy be tried, since, with sharper perception than Castlereagh, he knew it would fail. And fail it did at the Congress of Aix-la-Chapelle in October 1818. Castlereagh could not induce Spain to listen to peaceful mediation; and in turn vetoed the Franco-Russian proposal of armed intervention.

The clash of British and continental views at Aix-la-Chapelle caused a rift between England and the Holy Alliance, which Russia sought to increase. Alexander I, who looked to America for a counterpoise to British naval power, invited the United States to enter the

Holy Alliance.[1] Doubtless he expected a seat on the European areopagus to alter American policy: a point of view not yet altogether extinct. Adams's reply to this strange invitation foreshadows not only the Monroe doctrine, but Mr. Coolidge's foreign policy:

'To stand in firm and cautious independence of all entanglements in the European system has been a cardinal point of their [the United States'] policy under every administration of their government from the peace of 1783 to this day. If at the original adoption of their system there could have been any doubt of its justice or its wisdom, there can be none at this time. Every year's experience rivets it more deeply in the principles and opinion of the nation. Yet in proportion as the importance of the United States . . . increases in the eyes of the others, the difficulties of maintaining this system, and the temptations to depart from it, increase and multiply with it. . . . A direct though unofficial application has been made by the present Russian minister here, that the United States should become formal parties to the Holy Alliance. . . . The President, approving the general principles, and thoroughly convinced of the benevolent and virtuous motives which led to the conception and presided at the formation of this system by the Emperor Alexander, believes that the United States will more effectually contribute to the great and sublime objects for which it was concluded, by abstaining from a formal participation in it, than they could as stipulated members of it. As a general declaration of principles . . . the United States not only give their hearty assent to the articles of the Holy Alliance, but will be the most earnest and conscientious in observing them. But . . . for the repose of Europe as well as of America, the European and American political systems should be kept as separate and distinct from each other as possible.'[2]

[1] 21 November 1818. *Amer. Hist. Rev.*, xviii. 316; cf. Gallatin, *Writings*, ii. 78.

[2] Adams to Middleton, Minister at St. Petersburg, 5 July 1820. *Writings*, vii. 49–51. He publicly affirmed the same principles in a Fourth of July oration of 1821, with an additional and prophetic argument: 'The inevitable tendency of a direct interference in foreign wars, even wars of freedom, to change the very foundations of our own government from *liberty* to *power*.' *Ibid.*, 201.

Now that England was actually if not formally detached from the Holy Alliance, Adams believed he could afford to act without risking a collision. Early in 1819 he informed Castlereagh that the United States would recognize the Argentine republic 'at no remote period, should no event occur which will justify a further postponement of that intention'. Such an event did occur, very shortly. On 22 February 1819 Adams obtained the signature of the Spanish Minister at Washington to a very important treaty, by which Florida was ceded to the United States.

3. *The Florida Treaty and Recognition*

Since 1810 the United States had been nibbling at the Floridas. General Jackson was forced to disgorge his rather generous bites, but his invasion of the province in 1818 convinced Madrid that Florida had better be sold before it was seized. Accordingly, Spain ceded all her lands east of the Mississippi, together with her ancient rights to the Oregon country, in return for five million dollars (22 February 1819). In addition, the boundary between the United States and Mexico was determined.[1] Reluctance of the Senate to relinquish the American claim to Texas, no less than the change of government at Madrid, delayed ratification of the Florida treaty for two years, during which Monroe dared not offend Spain by recognizing her revolted provinces.

Before the Florida treaty was ratified (22 February 1821), events in Spanish America had begun to march with great rapidity. The Argentine and Chile, having

[1] It followed the present eastern boundary of the State of Texas (the Sabine and Red rivers, and hundredth parallel of longitude) to the Arkansas river, which it followed to the source in the present State of Colorado. Thence north to latitude forty-two, and along it to the Pacific. This boundary was broken by the annexation of Texas in 1845, and disrupted by the Mexican War.

established their independence, went to the aid of Peru; San Martín leading an army and Lord Cochrane co-operating with the new Chilean fleet. Bolívar, at the same time, was rolling up the Spanish armies westward from the Orinoco, consolidating the liberated territory in the Great Colombian Republic. His able subordinate, General Sucre, entered Quito in triumph in May 1821. A year later when Bolívar and San Martín met at Guayaquil, only one Spanish army was left in the field, and that surrendered after the battle of Ayacucho in 1824. Dom Pedro of the House of Braganza proclaimed the independence of Brazil in September 1822. A mutiny in the Spanish garrison at Vera Cruz forced the viceroy to accept a provisional treaty for the independence of Mexico, including Central America. Thus, by the autumn of 1822, America from the Great Lakes to Cape Horn was independent. European sovereignty was maintained only in Belize, the Guianas, the Presidency of Charcas,[1] and the West Indies.

Already the United States had acted. There was danger lest the Latin-American republics, if longer refused a recognition by their elder sister, might cease to be republics. The Argentine had narrowly missed getting a Bourbon prince. Fickle Mexico actually did become a monarchy for a short time under Iturbide. Accordingly, in a message to Congress of 8 March 1822, President Monroe declared that the new governments of La Plata, Chile, Peru, Colombia, and Mexico were 'in the full enjoyment of their independence', of which there was 'not the most remote prospect of their being deprived' and had 'a claim to recognition by other powers, which ought not to be resisted'. Congress, disregarding protests from the Spanish Minister, appropriated money to defray the expenses of 'such missions to the independent nations on the

[1] Later the Bolivian Republic.

American continent as the President might deem proper'. Formal recognition was then extended, and diplomatic relations established with the five States.[1]

'So, Mr. Adams, you are going to make honest men of them?' said Stratford Canning when he heard the news. 'Yes, sir!' said Adams. 'We proposed to your government to join us some time ago, but they would not, and now we shall see whether you will be content to *follow* us!'[2] And follow us George Canning did, for all his wrigglings—in one of which he touched a switch that released the Monroe Doctrine on an astonished world.

4. *Canning proposes*

France invaded Spain in 1823, with the avowed object of delivering Ferdinand VII from a constitution that had been forced upon him. Contrary to Canning's calculations, the French were received as saviours. It was a matter of common talk and press discussion that a Franco-Spanish expeditionary force to South America would follow this military promenade. What possibilities did that not open up! The great work of Wolfe and Chatham undone, France once more firmly seated in America, sharing a colonial monopoly to the exclusion of England, and deriving new strength from the valley of Mexico, the mines of Peru, and the plains of the Argentine.[3] 'If the Pyrenees had fallen, England

[1] The Colombian Minister was received by President Monroe on 19 June 1822, and a Mexican Minister on 12 December 1822. The Senate confirmed the appointment of Ministers to Chile and La Plata on 27 January 1823. A Brazilian Minister was received on 26 May, and a Central American one on 4 August 1824. No representative was sent to Peru until 1826. The first Latin-American State recognized by Spain was Mexico, in 1836. Peru was not recognized by her until 1865, and one of the Central American republics not until 1895. W. S. Robertson, in *Hispanic-American Hist. Rev.*, i. 70–91, 239–69.

[2] J. Q. Adams, *Writings*, vii. 217, note.

[3] The question of what the French designs really were is discussed by Dexter Perkins in *Amer. Hist. Rev.*, xxvii. 208–18, and by Harold

would maintain the Atlantic', wrote Canning. But by what means short of war?

The obvious policy for Downing Street was to follow Washington, recognize the independence of Latin America, and face Europe with an accomplished fact. Commercial Britain, and *The Times*, urged such a course. Politically, however, recognition was impracticable. Neither the King nor the Cabinet nor the Tory party were yet ready to admit rebel republican colonists to the family of nations. Recognition of O'Higgins might encourage O'Connell! On the other hand, if England did not do something, would not Monroe and Adams improve their lead in recognition to obtain exclusive commercial advantages, and to establish what Canning of all things feared, an American republican alliance?

On 16 August 1823 Richard Rush, the American Minister, was discussing the Oregon question with Canning at the Foreign Office. At a pause in the conversation, Rush adverted to the news from Spain, and ventured to express the hope that England would indeed 'maintain the Atlantic'. Canning then put a question that started many wheels revolving in the United States. What did Mr. Rush think his government would say to going hand in hand with England, in barring France from South America?

It was a brilliant plan that had flashed into Canning's brain, and the more he thought it over, the more it seemed to be the only escape from his dilemma. A joint Anglo-American protest against intervention

Temperley in *Eng. Hist. Rev.*, xl. 34–53, and *The Foreign Policy of Canning*, to which Mr. Perkins has replied in his latest work on *The Monroe Doctrine*. Chateaubriand's design of persuading the Latin-American States—perhaps *par une douce violence*—to accept Bourbon infants as kings was really spoiled by the obstinate refusal of Ferdinand VII to accept any other solution than the complete submission of the revolted provinces to his absolute will; but Canning's alarm was perhaps justified by the information in his hands in the summer of 1823.

would not only thwart the neo-Holy Alliance, but maintain England's new markets, and break up American republican solidarity. England, without endorsing the republican principle, could pose as the protector of Latin America no less than the United States ; and at the same time bring America's weight into the British scale of power. On 20 August Canning followed up this conversation by a note stating certain principles of foreign policy in which he hoped that Rush might immediately and publicly concur, as the basis of a joint Anglo-American declaration to the Holy Alliance. England ' conceived the recovery of the colonies by Spain to be hopeless ', but was not disposed to impede an amicable negotiation between them, and considered that ' the question of their recognition was of time and circumstances '. ' She aimed not at the possession of any portion of the Colonies for herself ', but could not permit their transfer to any other power.

Richard Rush was somewhat taken aback by Canning's overture, the most flattering ever received by an American diplomatist. In contrast to his predecessors, whose social experience at the Court of St. James's had been somewhat pallid, Mr. Rush had been made to feel a person of consequence in London society, and *persona grata* in great country houses. Unlike Adams, he loved England and the English. But the favour of the great and the flavour of their port had not dulled the keenness of his scent for entangling alliances. Without positive instructions he refused to commit the United States to anything of that nature. Canning's object, he feared, was to check France, not to promote American liberty. ' Nevertheless ', he wrote Monroe, ' whatever may be the *motive* of these approaches, if they give promise of leading to good *effects*, effects which the United States from principle and from policy would delight to hail, I grant that a dispassionate and friendly ear should be turned to them.'

Three days later Canning wrote more urgently, informing the American Minister that France had proposed a European congress to settle the Spanish colonial question. Rush then recollected his instructions of 1818, to obtain a concurrent Anglo-American recognition of Latin-American independence. He promised to join a British protest against intervention in the name of his government, provided that Great Britain would simultaneously recognize the new republics.[1] Had Canning been able or willing to give this required gage of good faith, Anglo-American co-operation would have been an established fact before Monroe and Adams had had an opportunity to pass a decision upon it. The Monroe Doctrine would not then have been declared. But the Tory party was not yet ready to recognize insurgents; and Canning himself was unwilling to do so while there seemed to remain some chance of republics like Mexico becoming monarchies.

Rush's dispatches embodying these conversations and notes arrived at Washington on 9 October 1823. President Monroe, on the point of departure to his plantation of Oakhill in Virginia, sent copies of them to his political mentors, the ex-presidents Jefferson and Madison. The covering letter stated his own opinion that Canning's overture should be accepted.

Jefferson, then eighty years old, was in placid retirement at Monticello. Horace and Tacitus, he wrote Monroe, were so much more interesting than the newspapers that he was quite out of touch with public affairs. But this question of co-operation with Great Britain was

'the most momentous which has ever been offered to my contemplation since that of Independence. . . . America, North and

[1] Rush to Canning, 27 August 1823. Rush renewed the offer on 18 September (Rush to Monroe, 19 September). Canning's accurate if jocose account of his dealings with Rush, in a letter of 22 January 1824 to Bagot, shows that he appreciated both the sincerity and the significance of Rush's offer. J. Bagot, *Canning and his Friends*, ii. 216.

South, has a set of interests distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, distinct from that of Europe. . . . One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid and accompany us in it. By acceding to her proposition we detach her from the bands [of despotism], bring her mighty weight into the scale of free government, and emancipate a continent at one stroke. . . . With her then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause.'

Here indeed was support for Canning. Jefferson, who had helped to lay the foundations of isolation, who once had regarded the touch of England as the touch of death, was willing to accept an Anglo-American alliance. Madison, from Montpelier, gave similar advice, and even proposed an Anglo-American declaration in favour of Greek independence.

Three white-haired statesmen, each on his Virginia hill-top, pondering this great question of foreign policy: what a delightful aroma of antique republicanism! It would have amused George Canning to have known the perturbation he had caused among the patriarchs, at a time when, having obtained his desired disclaimer from France, he considered the incident closed. For on 9 October 1823, in the Polignac memorandum,[1] France abjured all design of acting against the Spanish-American colonies by force of arms, and disclaimed any intention to annex any part of the Spanish heritage. These were the very principles for which Canning had asked American support.

5. *Adams disposes*

John Quincy Adams, in the meantime, was pondering the meaning of Canning's astounding offer. His information from Gallatin, who had just returned from

[1] *Camb. Hist. Br. For. Pol.*, ii. 67, 633–7.

Paris, indicated slight danger of armed intervention in Latin America; and he knew that England had both the will and the power to prevent it in any case. What then was Canning's game? The clue, he thought, was the proposed pledge, in Canning's note of 20 August, against either power acquiring a part of Spanish-America—a pledge that would be inconvenient if Cuba voted herself into the United States. That was probably just what Canning was thinking of; it was the one partially true implication of the many that he deduced from Monroe's policy. For fifteen years the statesmen at Washington had kept anxious eyes on Cuba, although even in 1823 they were not actually angling for Cuba. Monroe and Adams were worrying lest France or England should seize the Pearl of the Antilles; and if Adams did express the hope that Cuba would stick to the Spanish tree until ripe for the United States basket, it was because he feared lest some other naval power should shake the trunk.[1]

In October and November there arrived at Washington further dispatches from London, which confirmed Adams's suspicion. Canning blew alternately hot and cold in his notes to Rush, according as the news from Spain excited or calmed his apprehension; and cooled off definitely on 9 October—which Rush very shrewdly guessed to be due to an arrangement with Polignac. Canning's refusal to recognize the new republics seemed very significant to Adams. So long as the British Government maintained that attitude, he wrote Rush, their only common ground with the United States was

[1] *Writings*, vii. 369–421, esp. 381. This dispatch of Adams to the American Minister at Madrid, dated 28 April 1823, has frequently been printed in a garbled form, as proof of *imperialismo Yanqui*. The Cuban patriots were averse from a revolutionary movement, fearing lest it give rise to a slave insurrection, as in Hayti; and Monroe advised a deputation of them to keep quiet. But Adams, in the same dispatch, declared that the United States would support Cuban independence whenever the Cuban patriots chose to assert it.

a casual aversion from European intervention ; and he mistrusted even Canning's firmness in that aversion.[1] At the first subsequent Cabinet meeting in Washington (7 November 1823) Adams declared ' It would be more candid, as well as more dignified, to avow our principles explicitly to Great Britain and France, than to come in as a cockboat in the wake of the British man-of-war '.

For Adams, moreover, the question was not a mere choice between accepting or declining Canning's overture. It was the larger one of future relations between the Old World and the New. While the neo-Holy Alliance seemed to threaten South America, Russia was pushing her trading posts from Alaska southward even to San Francisco Bay. On the 4/16 September 1821 the Tsar issued a ukase extending Alaska to the fifty-first parallel, well within Oregon, and declaring *mare clausum* the waters thence to Bering Strait. Adams believed with Turgot that colonial establishments were immoral and destined to fall. With the North American West divided between Canada, the United States, and Mexico—and South America independent—the New World might now be considered closed to further colonization by European powers ; and on 17 July 1823 Adams told the Russian Minister so, explicitly.

While Alexander made his power felt in the Pacific, he was denouncing American principles from across the Atlantic. In October 1823 the Russian Minister at Washington communicated two notes to Adams : one a rather striking refusal to receive a minister from Colombia ; the other a characteristic homily on the Holy Alliance. Although inoffensive by intent, for Alexander I had a strange liking for the United States, it contained remarks on ' expiring republicanism ' and the like, as offensive in fact to the American Government as were the Moscow manifestoes on expiring capitalism a century later.

[1] 14 December 1823. Monroe, *Writings*, vi. 411.

As Adams saw it, his government had been approached or challenged on four different points, all of which could be answered at once: (1) the proposal of Anglo-American co-operation, (2) rumoured intervention in Latin America, (3) Russian extension of colonial establishments, (4) the Tsar's denunciation of principles upon which every independent State in America was now based. 'I remarked', Adams wrote of the Cabinet meeting of 7 November,[1] 'that the communications lately received from the Russian Minister . . . afforded, as I thought, a very suitable and convenient opportunity for us to take our stand against the Holy Alliance, and at the same time to decline the overture of Great Britain.' Monroe and the Cabinet agreed in principle. But Adams found it difficult to maintain this principle in fact. According to his diary Mr. Calhoun, the Secretary of War, is 'moon-struck by the surrender of Cadiz, and says that the Holy Allies, with ten thousand men, will restore all Mexico and all South America to the Spanish yoke'. He would follow Canning, even at the cost of perpetually renouncing Cuba and Texas. Calhoun fancied that the underlying motive of European monarchs was jealousy and hatred of the United States, whose turn would come after Mexico had fallen: a very persistent American opinion which sanctioned the late war, and rejected the late peace.

President Monroe, even more difficult to deal with, vacillated between the extremes of doing nothing in fear of the Holy Alliance, and of carrying the war into Turkey, to aid the Greeks. Their struggle for independence had aroused immense interest in the United States. One of those horizontal currents of liberal enthusiasm that occasionally threaten to pull America out of her isolation was sweeping over the country. 'The mention of Greece fills the mind with the most exalted

[1] *Memoirs*, vi. 178–9.

sentiments and arouses in our bosoms the best feelings of which our nature is susceptible', said Monroe in his annual message of 1822. The legislature of South Carolina petitioned Congress to acknowledge Greek independence, and Albert Gallatin proposed to lend the Greek Government a fleet; Bryant wrote *The Greek Partisan*, and Daniel Webster spurned the notion of 'dividing the world with the Holy Alliance'.[1] The martyrs of Chios and the exploits of Ypsilanti were commemorated in the names of frontier hamlets. Classic colonnades were added to modest farm-houses, and Greek grammar was forced on wretched schoolboys who knew little Latin. A gentleman from western New York, desirous of aiding the Greeks, said he could furnish from his sparsely settled region 'five hundred men, six feet high, with sinewy arms and case-hardened constitutions, bold spirits and daring adventurers, who would travel upon a bushel of corn and a gallon of whisky per man from the extreme part of the world to Constantinople'.

All this struck a reminiscent chord in Monroe's kindly heart. He had never forgotten the supreme moment of his early diplomatic career: his reception as American Minister by the National Convention, the sonorous speeches against tyranny, and the fraternal accolade. Time had mellowed James Monroe without changing the quality of his mind. Another great war of revolution against tyranny, so he wrote Jefferson, was about to begin; could not America take a bolder stand for liberty than in 1793? In the first draft of his epoch-making message, Monroe proposed to reprove the French invasion of Spain, to acknowledge the independence of Greece, and to ask Congress for a diplo-

[1] Webster was much annoyed at Greece being left out of the Monroe Doctrine. We had as much community with the Greeks, he wrote, as with 'the inhabitants of the Andes, and the dwellers on the borders of the Vermilion sea'. *Works* (National ed.), xvii. 333.

matic mission to Athens! President Monroe would fulfil the dreams of 'Jacobin' Monroe.

Against this meddling in European affairs Adams argued for the better part of two days. 'I spoke to him again, urging him to abstain from everything in his message which the Holy Allies could make a pretext for construing into aggression upon them', Adams notes in his diary.

'If the Holy Alliance were determined to make up an issue with us, it was our policy to meet, and not to make it. . . . The ground that I wish to take is that of earnest remonstrance against the interference of the European powers by force with South America, but to disclaim all interference on our part with Europe; to make an American cause, and adhere inflexibly to that.'

6. *Monroe's Message*

In the end Adams had his own way; except that he would have preferred to announce his doctrine in a sharp note to Russia, instead of the less offensive mode of embedding it in the President's annual message to Congress. Monroe consented to omit his proposed reproof to France, and all but a pious wish for the success of Greece; Adams was forced to delete a high-pitched exposition of republican principles.[1] The passages on foreign relations in Monroe's annual message of 2 December 1823, although written by the President in more concise and dignified language than Adams would have used, expressed exactly the conception of his Secretary of State. We may summarize the original Monroe Doctrine in the President's own words:

1. Positive principles: (*a*) 'The American conti-

[1] In Adams's diary for 25 November 1823 we find: 'The President seemed to entertain some apprehension that the republicanism of my paper might indispose the British Government to a cordial concert of operations with us. . . . I replied . . . that my reliance upon the co-operation of Great Britain rested not upon her principles, but her interest.'

nents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.' (*b*) 'The political system of the allied powers is essentially different . . . from that of America. . . . We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.'

2. Negative principles: (*a*) 'With the existing colonies or dependencies of any European power we have not interfered and shall not interfere.' (*b*) 'In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do.'

Therein is the whole of President Monroe's doctrine, whatever later developments may be included under the name of the Monroe Doctrine. Critics of Monroe have pointed out that his message was a mere declaration, which in itself could not prevent an intervention already thwarted by the obstinacy of Ferdinand VII, if not by the cleverness of Canning; that in view of the exclusive power of Congress to declare war, a mere presidential announcement could not guarantee Latin-American independence. True, but irrelevant. What Adams was trying to do, and what he accomplished, was to raise a standard of American foreign policy for all the world to see; and to plant it so firmly in the national consciousness that no later President would dare to pull it down.

XXVII

JOHN QUINCY ADAMS

1824–9

1. *An Unfortunate President*

MONROE'S message was well received by public opinion; but as no one outside the Cabinet knew the dramatic circumstances of its birth, few appreciated its significance. Polk was the first President to appeal to Monroe's principles by name; and it was not until after the Civil War that these principles became a doctrine, deriving its sanction no less from faith than from experience, and, like religious doctrines, assuming at times a Protean shape.

In December 1823 America was much more interested in the coming presidential election than in the Holy Alliance. The Republican party was breaking up into factions, and no one knew how they would divide or blend to make the parties of the future. Monroe's second and last term would expire in March 1825, and three members of his Cabinet aspired to the succession. John Quincy Adams, the Secretary of State, was the most highly qualified, if faithful and efficient public service for thirty years were still to be considered an asset. William H. Crawford, Secretary of the Treasury, was heir-apparent of the Virginia dynasty. By birth Henry Clay had an equal pretension; as a westerner and advocate of the 'American system' he made a wide appeal; and his charming personality and oratorical gifts made him the second choice of every one who did not place him first. But Clay had a western rival, General Andrew Jackson. Quarrelsome, uneducated, and self-willed, Jackson might be regarded as a dangerous radical by bankers and a possible Caesar by old-fashioned Republicans; but to the rising demo-

cracy he appeared an apostle of equality, and to the West a homespun Cincinnatus.[1]

All the candidates were Republicans and Nationalists. No Federalist dared raise his head, and no State-rights partisan yet ventured to come forth. Jackson carried Pennsylvania, the Carolinas, and most of the West, with a total of 99 electoral votes. Adams carried New England, most of New York, and a few districts elsewhere,[2] making 89. Crawford was a poor third, and Clay last. As no candidate had a majority of the electoral vote, the election went to the House—the only instance of that sort since the passage of the twelfth amendment. There Clay asked his supporters to vote for Adams, who was accordingly elected, and took office on 4 March 1825.

John Quincy Adams was a lonely, friendless figure, unable to express his burning love of country in any way that would touch the popular imagination. Short, thick-set, with a massive bald head and suspicious eyes, his port was stern and his manners unconciliatory. A lonely walk before dawn, or an early morning swim in summer, fitted him for the day's toil, which was concluded by writing his perennial diary. The uncomfortable labour of compiling a massive report on weights and measures during a long hot summer in Washington, when he might have been playing with his children on the coast of Massachusetts, was a real dissipation to Adams. Even in his own New England he was respected rather than loved, and other sections resented his election by the House over their favourite sons. It was, said the Senator from Missouri, with a

[1] John C. Calhoun, the Secretary of War, was also a candidate ; but after Jackson's strength in the South and West became evident, he consented to stand for the Vice-Presidency, and was elected with little opposition.

[2] Several of the States still chose presidential electors by districts, and in six of them the electors were appointed by the legislature.

wild plunge into what he fondly believed to be Greek, a violation of the *demos krateo* principle. When Adams defiantly gave Clay the State Department, the cry of 'corrupt bargain' was raised; Randolph of Roanoke called it 'the coalition of Blifil and Black George—the combination, unheard of till then, of the puritan with the blackleg'. There followed a duel between Randolph and Clay; fortunately both were bad shots.

Calvin Coolidge, the first President from Massachusetts since Adams, sharing his disability in the arts of self-expression, and little known at his accession, quickly built up popularity through shrewd politics and a devoted press. But Adams was too conscientious to cultivate political arts that were repulsive to him. He would do nothing in the way of appointments to obtain or to retain editorial support; his concessions were ungraceful, and his refusals were bitter to the taste. In his anxiety to be upright he was often disagreeable; and his arguments, as British diplomatists well know, were pushed home with stinging sarcasm.

President Coolidge, an accomplished political skipper, eased off his sheets to the prevailing wind; President Adams trimmed his to the nationalism of 1815, after the wind had changed. A sentence in his first annual message: 'The great object of the institution of civil government is the improvement of those who are parties to the social compact', was the key-note of his domestic policy. He would transcend the nationalism of Hamilton, and use the ample revenues of the Federal Government to increase the Navy, build national roads and canals, send out scientific expeditions, and establish institutions of learning and research. All these things came in due time; but Adams urged them in the midst of a centrifugal reaction. If, asked the cotton States, we admit federal powers of this scope, will not some future administration claim the power to emancipate slaves?

Foreign affairs were the President's peculiar province, and the special aptitude of John Quincy Adams. But here, at every turn, he met George Canning.

2. *Canning slips in between*

Anglo-American relations were not ameliorated by the accession of Canning and Adams, or by the promulgation of the Monroe Doctrine. Castlereagh regarded the United States as a turbulent younger brother, to be conciliated by tact and justice; Canning, as a rival to be checked and thwarted. Both Adams and Canning wished to settle all outstanding questions between the two countries, but Adams had no spirit of give and take, and Canning could not resist being clever at other people's expense. The Americans, wrote Captain Basil Hall, 'are plaguey sore at the dressing he gives them in his short pithy Terentian sort of sentences. . . . The more we are in the right, the more is to be gained by not thrusting our rectitude down our opponent's throat.'[1] But Canning never neglected the amenities of diplomatic intercourse.

'The temper that prevails here towards us', wrote Gallatin from London in 1826, 'is quite changed from what it was in 1815–21; nearly as bad as before the last war, only they hate more and despise less, though they still affect to conceal hatred under the appearance of contempt. . . . I must say after my remarks on the temper here, that I have been personally treated with great, by Mr. Canning with marked, civility.'[2]

Most of the continental statesmen regarded Monroe's message as a sign of Anglo-American entente. Canning cleverly encouraged this notion, in order to forestall the proposed European congress on the Latin-

[1] To Charles Vaughan, 11 June 1827. Sir Charles Stuart wrote, 'his scholarship has produced the admirable effect of disgusting the American Government for the sake of a little applause on the part of his toadeaters and venal friends.' Vaughan MSS.

[2] H. Adams, *Gallatin*, ii. 351–2.

American question. He did not succeed in stopping the French Government from discussing varied and ingenious schemes of masked intervention during 1824 and 1825; but if there had been any danger of these projects becoming policy, Canning's watchfulness would have prevented mischief. In the long run it was the United States alone that defended the Monroe Doctrine, as a comparison of the present maps of Africa and South America may suggest; but in 1825 Canning was better prepared than Adams to meet intervention with force.

The 'no future colonization' clause of Monroe's message irritated Canning profoundly. In spite of Monroe's assurance that it meant no interference with 'existing colonies or dependencies', Canning thought it meant Oregon; and although Rush formally assured him it did not, Adams, in a stormy conversation with the British Minister, had recently denied any British claim to the Columbia river.[1] Bagot and Middleton, the British and American representatives at St. Petersburg, were then about to begin a joint negotiation with Russia, having for its object the abatement of the Russian claims to Oregon. When Monroe's message reached him, Canning ordered Bagot to break the connexion with his Yankee colleague, though he must continue to

> Be kind and courteous to that gentleman, . . .
> Feed him with apricocks and dewberries.[2]

Canning supposed that the 'no colonization' principle would be peculiarly displeasing to Russia; but the Imperial Government signed a treaty with Middleton

[1] Webster, *Castlereagh* (1925), p. 452; Adams, *Memoirs*, vi. 43–60; Rush, *Court of London*, pp. 431–3. Adams's ground for this preposterous denial was the acquisition by the United States, in the Florida treaty of 1819, of the Spanish title to Oregon, which antedated Drake's voyage.

[2] J. Bagot, *Canning and his Friends*, ii. 217–19.

in 1824 fixing latitude 54° 40′ as the southern boundary of Alaska, and kept the other gentleman waiting.

Canning's transatlantic policy was to break up the continental isolation that Adams wished to defend, as well as to prevent the United States acquiring that hegemony which erroneously he thought Adams intended to establish. Obviously, the first move for England was to recognize the Latin-American republics, without waiting until they ceased to be republics.[1] On 3 January 1825, having won over his colleagues and the King, Canning announced that the new States were recognized by Great Britain. 'The deed is done, the nail is driven', he wrote jubilantly to Granville. 'Spanish America is free, and if we do not mismanage our affairs sadly, she is English, and *novus saeculorum nascitur ordo*.'

President Adams's policy towards Latin America was transparently honest, and exceedingly cautious. He wished to obtain commercial treaties on the basis of most-favoured-nation and 'free ships make free goods';[2] to encourage the new nations to observe

[1] In 1822 Canning had hopes of Iturbide consolidating monarchy in Mexico; but the 'Emperor Agustin I' was exiled after a few months' reign, and received by a firing squad when he returned. In December 1823 Canning instructed the British Commissioner in Mexico to encourage any reasonable monarchical proposition. 'Monarchy in Mexico, and monarchy in Brazil would cure the evils of universal democracy, and prevent the drawing of the line of demarcation I most dread—America *versus* Europe.' Stapleton, *Canning and his Times*, pp. 394–5.

[2] Although Mr. Temperley has abandoned his earlier contention (*Amer. Hist. Rev.*, xi. 797) that 'Adams aimed always at securing commercial treaties with Spanish America on the basis of exclusive treatment', it may still be worth noting that Adams's instructions to the first American Minister to Colombia, 27 May 1823, expressly state 'We claim no exclusive privilege for ourselves. We trust to the sense of justice, as well as to the interest of the South Americans, the denial of all exclusive privileges to others'. (*Writings*, vii. 474.) He instructed the first American Minister to Buenos Aires, 17 May 1823, 'We have not demanded, nor would we have accepted special privi-

republican principles and live at peace among themselves; and to discourage them from provoking Spain by attacking *la siempre fiel isla de Cuba*. With Brazil, Peru, Chile, and the Argentine he was fairly successful; but Canning thwarted him by slipping into Mexico and Colombia, as a counter-weight to the United States in a new balance of power.

Mexico, largest and most conservative of the new republics, having many points of possible friction with the United States and a pressing need for capital and markets that England could best supply, was the most promising ground for British interest. Joel R. Poinsett, the first United States Minister to Mexico, found the British chargé, H. G. Ward,[1] serenely installed in the confidence of President Victoria, with whom he had concluded an Anglo-Mexican commercial treaty. Poinsett, an accomplished gentleman from South Carolina, appeared to have the ideal qualifications for his

leges of any kind in return for an acknowledgment of independence'. (*Writings*, vii. 433.) The first American Minister to Chile was furnished with copies of the above, and instructed to apply them (Monroe, *Writings*, vi. 399). The same instructions were incorporated in those to Poinsett, American Minister to Mexico, who was also informed 'The United States . . . have never claimed, and do not now claim, any peculiar favor or concession to their commerce or navigation' (*Am. State Pap. For. Rel.*, vi. 578; *Br. & For. State Pap.*, xiii. 486–7). The first American chargé to Central America was instructed by Clay to oppose 'peculiar concessions' to foreign nations, and obtain 'free competition' for the United States. The first American representative to Brazil was similarly instructed that the United States, 'the first to acknowledge that government . . . do not claim from this prompt and friendly measure, favour; but they insist upon equal justice to their commerce and navigation'. (W. S. Robertson, in *Miss. Val. Hist. Rev.*, ii. 183–212.)

[1] Later High Commissioner to the Ionian Islands and Governor of Ceylon. Ward wrote Canning, 30 September 1825, 'Mr. Poinsett, upon his arrival here found His Majesty's Government in possession of that influence to which it has as just a claim'. He thought Poinsett aimed at political hegemony, and if Ward reports his words correctly, he did; but there was nothing in his instructions to justify such policy.

post: experience in public affairs, and a knowledge of the Spanish language and character, acquired by extensive travels in Europe and Latin America. But he had a superfluity of zeal, that fatal quality in diplomatists, and he was a Freemason. In order to counteract Ward and the monarchists, and to defend the republican constitution, Poinsett stood in with the *federalistas*. This party was eager to establish York rite Masonic lodges, in opposition to the Scottish rite, organized by their political enemies. Poinsett obtained charters from New York for his friends' lodges, which had a surprising and embarrassing success. All Mexico became divided into 'Escoceses' and 'Yorkinos'; civil war broke out between them, and Poinsett's name became a rallying point for one party and the target for the other. In the end England profited, and Poinsett was recalled under a cloud. But the cloud had a scarlet lining: the *Poinsettia Pulcherrima* which the Minister introduced to European horticulture.

At the Panama Congress of 1826 Canning scored again. Bolívar the Liberator summoned this meeting of American nations, primarily in order to discuss commercial treaties, to adopt a code of international law, and to arrive at some common policy towards Spain. Jealous of Monroe and suspicious of the United States, Bolívar proposed to leave them out; but to invite England in the hope that she might become member and leader of a Latin-American league.[1] Mexico and Colombia, however, invited the United States, and President Adams accepted as a 'token of respect to the Southern republics'. That he hoped to win a sort of moral hegemony for the United States is probable; but neither his private writings nor his public utterances disclosed a thought of political hegemony, or entangling alliance. His practical object was to induce the Congress to keep its hands off Cuba, and to adopt

[1] A. Alvarez, *Monroe Doctrine*, p. 154.

the American principles of most-favoured-nation and freedom of the seas. Adams managed the matter very ill, and was practically defeated in the Senate. The opposition was mainly political (of which more anon), but certain Southern senators were genuinely opposed to United States' representatives sitting in the same assembly with mulatto generals; and others feared dangerous commitments. As the British Minister at Washington wrote, the 'backwardness and the opposition' of Congress towards the Mexican invitation could hardly be reconciled with the 'supposed anxiety of the United States to form a general Federation of America, with themselves at the head of it'.[1] In the end the United States were not represented at Panama, and Canning had it all his own way.

Only four republics took part in the conference, which accomplished nothing; but the British representative by some clever propaganda managed to make the United States appear as an enemy to Cuban freedom, and a false friend to that of South America.

A clever policy this, and dangerous. Had it leaked out what Canning was doing, Adams would have had plenty of support for an active Pan-American policy. Central America would have become the Balkans of the New World, with England and the United States playing the roles of Russia and Austria. Mischief was prevented by concealment, by the death of Canning in 1827, and the instability of the Latin-American States, which led his successors at Downing Street to drop all efforts towards redressing the balance of the Old World with the New.

3. *The Election of 1828*

Adams was inept both as Secretary of State and as President in dealing with the West India question, owing to his stubborn insistence that England should abandon

[1] *Amer. Hist. Rev.*, vii. 316.

imperial preference. Parliament in 1825 opened free ports in the West Indies and British North America to any country that would grant reciprocity, reserving a preferential tariff for imperial products. Adams neglected to ask Congress for the necessary legislation to meet the British terms, and instead sent Gallatin to negotiate with Canning, who proved intractable. By this time the West Indies had found a partial substitute for the United States in Europe and South America; and Canning was determined to prove that Adams could not have it all his own way in the New World. A good deal of American food-stuffs and timber managed to get into the British islands through Nova Scotia and the foreign West Indies; but American shipping interests were adversely affected, and the onus of Gallatin's failure fell upon Adams. In the presidential election of 1828, some of the Jackson newspapers argued that Adams was unfit to remain President, because of his clumsy diplomacy and anti-British bias.

That was the least mendacious argument used against Adams in his campaign for re-election, which really began as soon as he was inaugurated President. The election of 1828 was much simpler than that of 1824, because there were only two candidates; but it was still a personal contest. Just as the Jeffersonian and Hamiltonian factions of 1791 were the nuclei of the Republican and Federalist parties; so the Jackson-Calhoun and Adams-Clay factions of 1823–8 developed into the Democratic and Whig parties that occupied the political stage until the eve of the Civil War.

National political parties in the United States are almost always of local origin, and they never quite lose their essential character as a bundle of local factions and interests. In this instance, the impulse for the defeat of Adams and the election of Jackson came largely from state politicians seeking national power. During the 'era of good feelings', while the Republican party

appeared to be united under Monroe, it was breaking up into conservative and democratic factions within the different States. The precise differences between them varied from one region to another; but, generally speaking, the democratic group wished to level down all political inequalities that still remained in the state constitutions. One result of their efforts was the abolition of property qualifications for the franchise, thus diluting the electorate with elements susceptible to a different sort of appeal from that of the Jeffersonian school. Another effect was to breed a new litter of professional politicians, among whom enjoyment of state office and state patronage had created appetite for the more luscious emoluments of federal power. The best of these men represented some genuine aspiration towards equality, the worst were mere tub-thumping demagogues; but at the head of them were able men of lowly origin but ingratiating form and phrase, such as Martin Van Buren of New York and James Buchanan of Pennsylvania. Their obvious strategy was to join democratic factions in other States, under some national figure who would reflect glory upon themselves, and lead all to victory and spoils. Adams, stiff and scrupulous, was no sort of leader for such as these; Calhoun, the Carolina high-brow, was little better, and Clay's lot was now cast with the President. General Jackson, the hero of New Orleans, subjugator of the Creeks and executioner of Arbuthnot, was a man who would reward his friends and punish his enemies, a heaven-sent leader for democracy.

It did not matter that there was no national issue or popular grievance; the politicians would see to that in due time, and principles could be attended to after victory. Adams must be discredited. The 'corrupt bargain' charge, engineered by Buchanan, was the opening gun of the Jackson campaign. Then, in December 1825, Adams innocently introduced the Panama Con-

gress project, which the Jackson supporters regarded as a sort of gala performance invented by Clay to dazzle the public mind, enhance Adams's prestige, and divert attention from ' bargain and corruption '. That is why the President's nomination of commissioners to Panama was held up in the Senate by the Jackson men, while Calhoun, as Vice-President, tolerated the most outrageous imputations on the President's and the Secretary's motives.[1] Calhoun was rewarded by the second place on the Jackson ticket, with the assurance of the succession after one term. We shall later see the feminine and other reasons why this assurance was not honoured.

The pro-Jackson minority in Congress became a majority in the mid-term congressional elections. ' Investigations ' of alleged presidential corruption were started, but not pushed home ; so that the victim had no chance to clear himself.[2] All the old prejudice against the Federalists was aroused in order to defeat the son of John Adams, reputed author of the Sedition Act of 1798. The South, now in full tide of reaction against nationalism, was assured that Jackson would defend State rights. The West's lingering loyalty to Henry Clay was destroyed by Adams's professed intention to administer the public lands on business principles, rather than squander it on shiftless squatters.[3]

[1] It must be admitted, however, that Adams invited this sort of argument by tactlessly if accurately impugning the Senate's motives, when it called for papers on the subject of Panama.

[2] Van Buren admits in his *Autobiography* (p. 192), ' Adams was an honest man, not only incorruptible himself, but . . . an enemy to venality in every department of the public service '. Yet Van Buren was the first to inspire and prefer charges of outrageous corruption against the President.

[3] Adams's views on the public domain resembled those of Hamilton and Gibbon Wakefield. Richard Rush, who became Adams's Secretary of the Treasury after his return from London, reported, 8 December 1827, that general prosperity depended on keeping a constant ratio between capital and population, ' that the creation of capital is retarded,

The most absurdly mendacious tales were made up and broadcasted. Adams had furnished the White House at his own expense with a billiard table and a set of chess-men; in the mouth of a Jackson orator, these became 'gaming tables and gambling furniture' purchased from public funds. The newspapers that supported Adams, however, were not idle; there was a famous 'coffin hand-bill' on the shooting of six militiamen by Jackson for insubordination, and the General's frontier brawls and alleged pre-marital relations with Mrs. Jackson were described in detail. Altogether, it was the most unprincipled and degrading presidential election the United States had ever experienced.

The result was fairly close. Adams's popular vote was 44 per cent of the total; but Jackson won by 178 electoral votes, carried the Southern and Western States, Pennsylvania, and most of New York, winning by a large majority in the electoral college. Virginia held her aristocratic nose, and voted for Jackson, believing him the lesser evil; South Carolina voted for Jackson as a States-rights man, which she soon had reason to regret. But in the last instance it was classes rather than sections that elected Jackson: the Southern hunters and backwoods farmers whom he had led to glory; the Northern democracy, tired of respectable, gentlemanly promotions from the Cabinet to the White House. They cared little for policies, but much for personality, and they voted for Jackson because he was their sort of man. After all, the most sophisticated among us often have no better reason for voting as we do than had the American democracy of 1828, in exalting a man of their own sort; uneducated, intolerant, yet

rather than accelerated, by the diffusion of a thin population over a great surface of soil', that the present price of government land was practically a 'bounty in favour of agricultural pursuits'. *Amer. State Pap., Finance*, v. 638; A. C. McLaughlin, *Source Problems in United States History*, p. 345.

professing the immortal principles of Thomas Jefferson. And the democracy was not disappointed.

John Quincy Adams never understood why he was spurned by the country he loved with silent passion, and rejected by the people he had served so faithfully. In the four sad months between the election and the end of his term, there kept running through his head the refrain of an old song he had first heard at the court of Versailles,

O Richard, O mon Roi,
L'univers t'abandonne.

Yet the noblest portion of his long career was still ahead.

XXVIII

ANDREW JACKSON

1829–31

1. *Old Hickory*

WASHINGTON had never held such crowds as assembled there on 4 March 1829 to see the people's champion installed. It was their day, without pomp or pageantry, scarcely even a uniform to be seen. General Jackson, a tall, lean figure dressed in black, with the hawk-like frontier face under a splendid crest of thick white hair, walked through the crowds and the mud up Pennsylvania Avenue, unescorted save by a few friends. At the top of a great stone stairway to the East portico of the Capitol, he took the inaugural oath and read his inaugural address. With difficulty he pushed through the shouting masses, all eager to shake his hand, to where his horse was waiting; then rode to the White House at the head of an informal procession of carriages, farm wagons, people of all ages, colours, and conditions. Since it would have seemed unbecoming for democracy's chieftain to make distinctions of persons, the White House was invaded by a mob of men, women, and boys who stood on chairs in their muddy boots, fought for the refreshments, and trod glass and porcelain underfoot. 'It would have done Mr. Wilberforce's heart good', wrote an onlooker, 'to have seen a stout black wench eating in this free country a jelly with a gold spoon at the President's house.' Jackson was glad to escape by a window; and the mob was finally drawn off like flies to honey, by tubs of punch being placed on the lawn. Washington society thought of the Tuileries on the 10th of August, and shuddered.

One might search European history in vain for any counterpart to Andrew Jackson. He was a typical

American, of a sort that has almost vanished. Born on the Carolina frontier in 1767, to immigrant parents from Carrickfergus, he had all the virtues and many of the faults of the American backwoodsman; but none of the vices. Loyal, pugnacious, and honest, he was also credulous, intolerant, and unlearned, with slight conception of the complex forces that were moulding themselves under the shadow of his personality into the Democratic party. His policy was summed up in a sentence, 'The Federal Constitution must be obeyed, State-rights preserved, our national debt must be paid, direct taxes and loans avoided, and the Federal Union preserved. These are the objects I have in view, and regardless of all consequences, will carry into effect.' [1]

Jackson's frontier simplicity made him over-trusting of friends and too suspicious of opponents. An intellectual check on his emotions was wholly wanting. Yet Jackson's simplicity was his strength, for the American people looked through his eyes, and thought with his brain. Now that a century has elapsed, few will deny that his intuitive decisions were generally right; that his mistakes were fewer and less costly than those of more experienced and better educated presidents. Although quick to anger and slow to cool, unpolished, rough-hewn out of native oak, Jackson had a fine sense of honour, a deep reverence for women, and a natural, straightforward courtesy. His Talleyrand, Martin Van Buren, never had to complain that so great a man had been *mal élevé*.

Jackson's administration began badly for all but the politicians. His first mistake was in the choice of a Cabinet. All except Van Buren, the Secretary of State, were incompetent and unknown men. Followers of Vice-President Calhoun were given the Treasury, the Navy, and the Attorney-Generalship; the War Department was reserved for J. H. Eaton, of Tennessee.

[1] Van Buren, *Autobiography*, pp. 321–2.

The President's first and obvious task was to 'cleanse the Augean stables'. He believed the election charges of corruption in the civil service; and his partisans, who preferred them, were hungry for the spoils of victory. There was much incompetence among those in office, but no corruption. Since no retirement or pension rules existed, the federal departments and post-offices were full of aged functionaries who had been appointed from eleemosynary or political motives. Jackson's views of office-holding were of the eighteenth century, distorted by the democratic principle of rotation.[1]

'The duties of all public officers', he stated in his first annual message, 'are . . . so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. . . . No one man has any more intrinsic right to official station than another.'

But Jackson's remedy was worse than the disease. He removed every one suspected of having supported Adams, and when their places proved insufficient swept out others. Only 252 out of 612 presidential appointments, and about one in fourteen of the post-office department, were vacated; but the precedent was established for more drastic removals later in the century. Broadly speaking, Jackson introduced the spoils system from the States, where it had always existed, into the Federal Government. His appointments lowered the general tone and efficiency of the service. Aged and respectable Jeffersonians were replaced by young, often disreputable, and sometimes corrupt Jackson men. The

[1] 'Rotation in office', as insurance against the pride and tyranny of functionaries, was a popular principle of the American Revolution, and written into some of the earlier state constitutions. Experience of its evils caused the framers of the Federal Constitution to leave Congress the power to fix the tenure of federal civil servants.

spoils system did not noticeably increase the power of the President, for even Jackson had to please congressmen, and the Senate negatived many of his nominations; but it greatly increased the power of party and of the professional element within parties, by offering tangible rewards for faithful service.

2. *Peggy Eaton*

It was a woman who made the first and the most lasting trouble for Jackson. Eaton, the Secretary of War, a former Senator from Tennessee, was an old crony of the President. Mrs. Eaton had long been a notorious character in Washington as Peggy O'Neil, the fair, free-and-easy daughter of the leading publican. Married at an early age to a hard-drinking naval purser, she remained at the paternal tavern during her husband's tours of duty; and her flirtations with the guests, especially with Senator Eaton the 'star boarder', were the talk of the town. When the purser committed suicide after a drunken frolic, and his widow married her senatorial lover, the gossips' tongues wagged faster than ever. But Mrs. Jackson received the wife of her husband's old friend. Thenceforth, for the gallant General, she was above reproach. Mrs. Jackson died just before her husband's inauguration. He was devoted to her memory; and the fact that many years before they had been the innocent victims of a boarding-house scandal made him all the more determined to champion Mrs. Eaton, and insist that official society should receive her.

Mrs. Vice-President Calhoun was a proud Carolinian, and the other Secretaries' wives were also determined to give the hussy no countenance. They refused to call, and at official receptions or White-House dinners refused to speak. Neither would the ladies of the diplomatic corps, nor the wives of senators and congressmen.

Van Buren, however, was a bachelor, and Charles Vaughan, the British Minister, was a Fellow of All Souls. They could afford to show the lady marked attention; which was not difficult, for she had both wit and beauty. But the dinners they gave in her honour were declined by other ladies, and at balls she was so snubbed that she soon gave up attempting social recognition. The President, however, refused to surrender. He actually held a Cabinet meeting *re* Mrs. Eaton, where he pronounced her 'as chaste as a virgin'; but the female rebellion continued. Even Mrs. Donelson, niece of the President and mistress of the White House, would not call on the persecuted lady; and when Jackson gave her the alternative of doing so or leaving the White House, she left.

This 'Eaton malaria' was catching, and no laughing matter for the Jackson men. It was not only making a breach between the administration and respectable society, but making a fool of the President. The Adams-Clay party was jubilant; for if the American people can once be got to laugh at instead of with a national figure, it is all up with him. Still, there was some use to be made of the affair by Van Buren, who coveted the presidential succession. This sly fox from New York was wrapping himself around the heart of the old hero. It was 'little Van' who bound up the wounds of the disappointed office-seekers, who arranged the diplomatic appointments, and directed the negotiations which brought prestige to the administration. His round little figure could be seen every day bobbing up and down on horseback, beside the lean, easy-seated President on his daily constitutionals. Many a time must they have discussed the Eaton affair. Jackson, unable to account for the solid female phalanx against his dear departed's friend, was sure there must be politics behind it. And we may be sure that Van Buren, Oh! so gently and discreetly, would have elimi-

nated one plotter after another until Jackson burst out ' By the e-tar-nal ! it 's that proud aristocrat Calhoun ' (for did not Mrs. Calhoun start the snubbing game, and were not all the recusant ministers Calhoun's friends ?). And how Van Buren would protest that it could never, never be that high-souled pattern of chivalry and devoted Democrat ! And how, if Jackson seemed too easily convinced, he would remind him of an ugly rumour that in Monroe's Cabinet, at the time of the Arbuthnot and Ambrister affair, it was Calhoun who said General Jackson should be arrested, and tried for insubordination ! Calhoun, it will be remembered, was Vice-President and heir-apparent.

Were all this merely a question of whether Martin or John should succeed Andrew, it would not be worth our attention. But the ' Eaton malaria ', as treated by Dr. Van Buren, was a mere symptom of the sectional and economic forces that presently isolated Calhoun and his adherents in a State-rights ward ; whence the infection escaped into the entire South.

3. *The Tariff and the South*

South Carolina evolved politically between 1820 and 1830 (as earlier Massachusetts) from a dominant State professing the most ardent nationalism to a semi-impoverished community, blaming her poverty on the measures of the Federal Government. English constituencies in like circumstances have turned from free trade to tariff reform. South Carolina reversed the order. As a State in a Federal union, she had a reserve weapon to use against a national majority, when votes and arguments failed.

The protective tariff of 1816 was largely the work of two South Carolinians, Lowndes and Calhoun. Although national in outlook, they expected South Carolina to share the benefits. Like New England, their

native State had water-power, and unlike New England she had cotton; then why not manufactures? And was it wise for her planters to depend exclusively upon the English market? The next few years, however, proved these expectations to be hollow. Competent managers were rare in the South, and Yankee mill superintendents were unable to handle black labour, which, after all, could be employed with more immediate profit in cotton growing. All the benefits of protection appeared to be going to the Northern manufacturers, whilst Southern planters bore the burden of higher prices. As the tariff schedules rose by successive acts of Congress, and the country as a whole grew richer, South Carolina remained stationary in population, and declined in prosperity. Her more enterprising planters emigrated to the black belts of Alabama and Mississippi, where their bumper crops enriched Mobile and New Orleans instead of swelling the exports of Charleston. As the cotton-growing area increased, the price declined to a point below the cost of production on worn-out land.

Actually, the protective tariff only aggravated a distress for which the wasteful, land-destroying system of cotton culture was fundamentally responsible; but the South Carolina planters could hardly be expected to reason with cool logic in such a state of affairs. By 1825 there had been created among them just that atmosphere of pride, poverty, and resentment which favours the growth of nationalist movements in Europe, and separatist movements in the United States.[1] In South Carolina this took the form of a local State-rights

[1] Harriet Martineau observed in the course of her sojourn at Charleston, a few years later, 'The high spirit of South Carolina is of that kind which accompanies fallen, or inferior fortunes. . . . If not a single import duty had ever been imposed, there would still have been the contrasts which they cannot endure to perceive between the thriving States of the North and their own. Now, when they see the flourishing villages of New England they cry, "We pay for all this".' *Society in America* (N.Y., 1837), i. 74–5.

party, propagating the doctrine that the protective tariff and 'internal improvements' were unconstitutional devices for taxing the South for the benefit of the North. The New England Federalists had taken the same line not long before, and had ended at Hartford in talk; but ten degrees of latitude separated Charleston from Boston. Climate and race relations had produced in the South Carolina aristocracy the same sort of temper that has recently been manifested by the planters of Kenya. Behind all the heat and fury of the sectional movement we are about to describe was the fear lest nationalism, in any form, lead to congressional tampering with slavery. Calhoun admitted in 1830 that 'the real cause of the present unhappy state of things' was 'the peculiar domestic institution of the Southern States'.[1]

Protected interests are seldom content with what they have. Northern manufacturers were not satisfied with the tariff of 1824. A new woollens schedule was defeated in 1827 by the casting vote of Vice-President Calhoun; but the following year the 'tariff of abominations' was passed It was a politicians' tariff, concerned mainly with the manufacture of a President. The pro-Jackson congressmen wished to present their candidate to the South as a free-trader, and to the North as a protectionist; they therefore introduced a bill with higher duties on raw materials than on manufactures, hoping that New England votes would help defeat it, and the onus fall on Adams. As Webster said, 'Its enemies spiced it with whatever they thought would render it distasteful; its friends took it, drugged as it was.'

American protection was naturally distasteful to British manufacturers, and irritating to British free-traders. In July 1828, two months after the 'tariff of abominations' passed Congress, Huskisson made a speech in the House of Commons, the object of which, he admitted,

[1] Bassett, *Jackson*, ii. 547.

'was to alarm the Southern States in respect to the means within our power of drawing from other countries the articles with which we are now supplied principally from those States; and to show them . . . that in proportion as British manufactured goods were rendered dear to the American consumers, would the expense of raising their raw materials be increased, and our power, as well as our disposition to purchase them, be diminished.' And, he continued, if the tariff be not lowered, 'it will expedite an event inevitable, I think, at no distant period—the separation of the Southern States'.[1]

A clever local popularization of Huskisson's views was the 'forty-bale' theory of Senator McDuffie of South Carolina. American protection, according to him, so decreased the English purchasing power for American cotton, and enhanced the price of supplies to the American consumer, that forty out of every hundred bales of cotton produced in the South were in effect plundered by Northern manufacturers. At a great anti-tariff meeting in Columbia, S.C., in 1827, Thomas Cooper asked, 'Is it worth our while to continue this Union of States, where the North demands to be our masters and we are required to be their tributaries?'

These resemblances are undoubtedly casual, not causal; but it is interesting that Cooper, one of the British 'Jacobins' who followed Priestley to America, had been imprisoned under the Sedition Act of 1798; for upon the protest against that Act was based the protest of South Carolina against the tariff.

4. *Calhoun's Doctrine*

Calhoun, aloof in the Vice-Presidential office, was not indifferent to this local turmoil. He had always been alive to the danger of disunion in a country so rapidly

[1] Huskisson to John Backhouse, 15 June 1829, *Amer. Hist. Rev.*, vii. 517–18; the speech is in Hansard (n. s.), xix. 1768–75.

expanding. Like Hamilton, Adams, and Clay he had sought to prevent disintegration by the cement of national legislation. Now he realized his mistake. Protection, instead of a binding force, had proved an instrument of class and sectional plunder. And as Calhoun saw his beloved Carolina rushing past him down the road to secession, he completely revised his principles, jettisoned the Hamiltonian formula, and produced a new and dynamic version of State rights. The measure of federal power must now be determined by the vital interest of any individual State, not by a transient majority in Congress, or in the Supreme Court.

Nullification was the name of this device by which Calhoun proposed to protect the peculiar interests of his State, and preserve the Union that he loved. Set forth in a document called the 'Exposition of 1828', it was approved that summer by the legislature of South Carolina. Nullification was based on two postulates: the common enough assertion that the Federal Constitution was a compact between States, and the Austinian theory of indestructible sovereignty. The Constitution was established not by the American people, but by thirteen sovereign States. Sovereign in 1787, they must still be sovereign in 1828. As sovereigns, they have severally the right to judge when their agent, the Federal Government, exceeds its powers. A State convention, the immediate organ of State sovereignty, may then determine whether a given Act of Congress be constitutional or otherwise; and, in the latter event, take measures to prevent its enforcement within the State limits.[1]

Such was the doctrine of nullification. It was not wholly new or original. The Kentucky and Virginia

[1] Calhoun rather inconsistently recognized one superior authority over the Constitution than the interpretation of a single State, viz. an interpretative federal amendment, adopted by three-fourths of the States.

resolves of 1798 postulated the same state sovereignty; but the remedy to which they pointed against unconstitutional acts of Congress was, in the one case, a collective nullification by *all* the States; and in the other a collective 'interposition', whatever that might mean. Nullification by a single State, disobeying the laws of the Union while claiming the privileges of the Union, was a very different matter. As the aged Madison declared, 'for this preposterous and anarchical pretension there is not a shadow of countenance in the Constitution'. It had been adumbrated, to be sure, by Massachusetts and Connecticut at the time of the embargo and the War of 1812; but neither they nor the numerous other States which had denounced this or that measure of the Federal Government as unconstitutional had done more than protest, and threaten to secede if their protests were not heeded.

Calhoun is a tiresome figure in American history, and pernicious as well, unless the Civil War was wholesome. One wearies of the unrealistic, humourless logic of his writings as of his noble-Roman pose, with hand resting on heart and over-handsome features surmounted by a dramatic mop of hair. But we must admit his sincerity. His political principles changed, but never his object. Confronted, like John Locke in 1688 and John Adams in 1775, with an accepted constitutional theory that supported tyranny, he sought a new one to preserve liberty. Like Adams, he would preserve it within the existing body politic if possible, outside it if necessary. The South, with its growing economic particularism, could only remain in union with the more populous North, if some constitutional check were applied to majority rule. So Calhoun sought in the Federal Constitution some implicit theory that would provide that check; and discovered nullification. But, unless the other side would yield, the only possible result, as in 1776, must have been disunion. And Calhoun's con-

ception of liberty, which he held more dear than union, was the liberty of the planter to the full product of his slave's labour.

Calhoun's authorship of the 'Exposition of 1828' was secret; and he advised his State to hold nullification in reserve, hoping that President Jackson would insist upon a reduction of the tariff. But Jackson was indifferent to the tariff; and Van Buren's Northern wing of the party was interested in maintaining protection. Months stretched into years, and the 'tariff of abominations' remained on the statute books. It became clear to the Southerners in the House that they could obtain no reduction without Western votes; and Western votes against nationalism could only be purchased by conceding something that the West wanted more eagerly than protection.

5. *The West in the National Balance*

The West, as we have seen, looked to Jackson to reform certain features of the national land system. The poorer public lands, unsaleable at the minimum price of $1.25 per acre, made large blocks of untaxable wilderness between the settled areas.[1] To remedy this Senator Benton proposed the device of 'graduation': a progressive reduction in the price of public land unsold after a given period. Frontiersmen who squatted on the public domain before it was placed on sale disliked having their illegal holdings sold to outsiders. The squatters, better men with fist or rifle than the settlers who bought the lands they occupied, could generally make the latter pay handsomely for 'improvements', and move farther West.[2] But they preferred, or politicians

[1] It will be remembered that the Federal Government retained the title to the public lands when a new State was admitted, although it ceded jurisdiction over them as over the lands already allotted.

[2] Prospective buyers were sometimes frightened away by squatter eloquence, of which a specimen is given in *The Palimpsest* (Iowa City),

thought they preferred, to legalize their position by a pre-emption Act, giving them an option to purchase at the minimum price the quarter-section where they had squatted, whenever it was offered for sale by the Government.

Older communities, both North and South, were opposed to any measure likely to encourage emigration. The north-eastern manufacturing States had a somewhat special attitude. Emigration tended to keep up the price of factory labour; but if the tariff schedules were to be maintained, some way must be found to get rid of the surplus revenue coming in from the public lands.[1] In order to catch Western votes for protection, Henry Clay proposed a clever scheme of 'distribution'. The proceeds from land sales would be distributed among the States, for use in public works and education, giving a special bonus to those States wherein the lands lay.

It was all a game of balance between North, South, and West, each section offering to compromise a secondary interest, in order to get votes for a primary interest. The South would permit the West to plunder the public domain, in return for a reduction of the tariff. The North offered the tempting bait of distribution, in order to maintain protection. On the outcome of this sectional balance depended the alinement of parties in the future: even of the Civil War itself. Was it to be North and West against South, or South and West against North?

v. 105. 'My name, sir, is Simeon Cragin. I own fourteen claims, and if any man jumps one of them, I will shoot him down at once, sir. I am a gentleman, sir, and a scholar. I was educated at Bangor, have been in the U.S. army, and served my country faithfully—am the discoverer of the Wopsey—can ride a grizzly bear, or whip any *human* that ever crossed the Mississippi, and if you dare to jump one of my claims, die you must!'

[1] The tariff schedules were not yet sufficiently high to cut down customs revenues: the country was prosperous, and a great volume of imports was able to surmount the tariff wall.

6. *Webster replies to Hayne*

On 29 December 1829 Senator Foot of Connecticut offered a resolution to inquire into the expediency of restricting the sale of public lands to those already in the market. Senator Benton of Missouri denounced this proposal as a barefaced attempt of the manufacturers to keep their labourers from 'the blooming regions of the West'. He summoned the gallant South to the rescue of her Western brothers; and Senator Hayne of South Carolina, a recent convert to nullification, responded. One after another the giants of the Upper House rushed into the fray, and there took place one of those classic debates that America used to love—speeches hours long, each consuming a whole day's session, yet delivered from mere scraps of notes held in the palm of the hand, and every word reported in the newspapers; one of those contests of eloquence that seemed to mobilize 'the whole latent manliness and shrewdness of the nation'.[1]

As the debate progressed, less was said about the public land, more on the essential sympathy of Northern or Southern ideals for the West, and most of all on constitutional theory. The acme came on 26 January 1830, when Daniel Webster of Massachusetts replied for the second time to Hayne. Webster was the most commanding figure in the Senate, a swarthy Olympian with a crag-like face, and eyes that seemed to glow like dull coals under the precipice of brows.[2] It has been said that no man was ever so great as Daniel Webster looked. His magnificent presence and deep, melodious voice gave distinction to the most common platitudes; but his orations were seldom commonplace. He carried to perfection the dramatic, rotund style of oratory that America learned from Chatham. Slumberous he was

[1] Santayana, *Character and Opinion in the U.S.*, p. 3.

[2] Thomas Carlyle, in *Correspondence of Carlyle and Emerson*, i. 247–8.

at times, even ponderous; but the South Carolinian's attack on the patriotism of New England, no less than his bold challenge to the Union in its own upper chamber, called forth all Webster's immense reserve of vitality and intellectual power. His reply is the greatest recorded American oration, thrilling to read even today in cold print, when the issues with which it deals are long since settled by the men who followed in 1861 the standard that Webster raised in 1830.

Imagine, then, the small semicircular Senate chamber in the Capitol;[1] gallery and every bit of floor space behind the desks of the forty-eight senators packed with visitors; Vice-President Calhoun in the chair, his handsome, mobile face gazing into that of the orator, and reflecting every point; Daniel Webster, in blue tailed coat with brass buttons and buff waistcoat, getting under way slowly and deliberately, then clapping on sail after sail until he moved with the effortless speed and power of a ship of the line. Hour after hour the speech flowed on, always in good taste and temper, relieving the high tone and tension with a happy allusion or turn of phrase that provoked laughter, thrilling his audience with rich imagery, crushing his opponents with a barrage of facts, passing from defence of his State and section to a devastating criticism of the 'South Carolina doctrine', and concluding with an immortal peroration on the Union:

'It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great

[1] Now the Supreme Court chamber. A good contemporary painting of the great debate is reproduced in Webster's *Writings* (National ed., 1903), vi. 5.

interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

'I have not allowed myself, Sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day at least that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterwards"; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart,—Liberty *and* Union, now and forever, one and inseparable!'

It was this peroration, declaimed on thousands of school platforms by the lads of the coming generation, that established in the hearts of the Northern and Western people a new, semi-religious conception of the Union. One of its earliest readers was an awkward, dreamy youth on the Indiana frontier, named Abraham Lincoln.

7. *And Jackson to Calhoun*

Time only could reveal the full import of Webster's reply to Hayne; but it went home instantly to the honest old patriot in the White House. Jackson counted himself a State-rights man, but he never doubted the sovereignty of the nation. State rights for him was merely a formula to prevent the jobbery and corruption and consolidation towards which Adams and Clay seemed to be tending. It could never justify disobedience to the laws of the Union. Yet Calhoun and the nullification party counted upon his sympathy, as a Carolinian born; and at an anniversary dinner that they arranged for Jefferson's birthday, 15 April 1830, they proposed to enlist him in their cause. The formal toasts and speeches were all so worded as to prove a connexion between nullification and Democratic-Republican orthodoxy. Jackson sat through them outwardly impassive, inwardly fuming. When his turn came for a volunteer toast, the old chieftain arose to his full height, fixed his eyes on Calhoun, and flung out a challenge:

'Our Union—it must be preserved!'

Calhoun was no coward. He may, as Van Buren asserts, have drunk the toast with trembling hand, but he took up the challenge with another:

'The Union—next to our liberty, the most dear!'

The issue was now joined between President and Vice-President; events moved fast to separate them. An authoritative letter reached the President asserting that Calhoun, who had always posed as Jackson's

defender in the Arbuthnot-Ambrister affair, had been the one Cabinet member to demand his arrest and trial. He enclosed it in a note to the Vice-President, inquiring if the charge were true. Calhoun replied evasively, and Jackson endorsed the letter, 'This is full evidence of the duplicity and insincerity of the man'. That form of personal disloyalty was the unforgivable sin to a man of Jackson's metal.

To complete Van Buren's triumph and Calhoun's isolation, it now remained to cure the 'Eaton malaria' which still hung over the administration like an unwholesome fog. No easy matter that; but not too difficult for little Van. On one of his daily horseback rides with Jackson, the President alluded to the Cabinet discord, and wished the women would give him peace. Then Van Buren played his master stroke. 'There is but one thing can give you peace—my resignation.' 'Never, Sir!' said Jackson. But he was convinced after a few more rides; and when the matter was discussed with other cronies, Van Buren so deftly turned the argument that Eaton, as the original cause of the trouble, offered to resign with him. It was then natural for Jackson to tell the other ministers, Calhoun men all, that they must follow; and protesting they retired to the obscurity whence they came. In the summer of 1831 the Cabinet was completely reorganized, eliminating the Calhoun, cotton, and 'kitchen' elements. Van Buren, whose apparent sacrifice assured him of the presidential succession, was nominated minister to Great Britain. His place in the Cabinet was given to Edward Livingston, a statesman and jurist whose penal code for Louisiana has been universally admired. McLane of Delaware was recalled from the London mission to take the Treasury; Lewis Cass, an energetic Yankee of the North-West, replaced Eaton,[1] and Taney of Maryland,

[1] Although the Washington gossips said that Hayti was the only proper court for the Eatons to reside in, they were sent to the court of

who later proved a worthy successor to Chief Justice Marshall, became Attorney-General. Jackson's administration was now of the North and West, and ready for the nullifiers to do their worst.

Madrid, where Mrs. Eaton apparently was a brilliant social success. In 1840 her husband turned against Van Buren, when Jackson pronounced him ' the most degraded of all the apostates fed, clothed and cherished by the administration '.

XXIX

STATE RIGHTS AND PROPERTY RIGHTS

1831–7

1. *Nullification Attempted*

FOR two years after the famous dinner, Calhoun and the South Carolina nullifiers were held in check by the unionists of their own State: in 1832 Henry Clay forced their hands. With the aid of Western votes, attracted by his distribution scheme, Clay pushed a new tariff bill through Congress on 14 July 1832. Some of the abominations of the 1828 tariff were removed, but the high duties on iron and textiles were maintained; and the new Act had an air of permanence which acted upon South Carolina as a challenge.[1]

In the State election that autumn the State rights party, the 'pinks of chivalry and fire-and-brimstone eaters', carried all before them. The new legislature promptly summoned a State convention, which on 24 November 1832 declared in the name of the sovereign people of South Carolina that the tariff Act was 'unauthorized by the Constitution of the United States . . . null, void, and no law, nor binding upon this State, its officers or citizens'.[2] This so-called Ordinance of Nullification forbade federal officials to collect customs duties within the State after 1 February 1833, and threatened instant secession from the Union if the Federal Government attempted to blockade Charleston, or otherwise to use force.

President Jackson took prompt precautions to maintain the law of the land. Forts Moultrie and Sumter

[1] At the same time Clay managed to reduce the duties on articles such as tea and coffee, which did not compete with home products, in order that there might be no surplus to distribute.

[2] Macdonald, *D. S. B.*, p. 331; *S. D.*, p. 269.

were reinforced, revenue cutters were ordered to collect the duties if the customs officials were resisted, and close touch was maintained with the South Carolina unionists. On 10 December he issued a ringing proclamation to the people of South Carolina. Their nullification ordinance, he said, was founded upon no right of revolution against oppression, but on the strange position that a State might retain its place in the Union, and yet be bound only by those laws that it might choose to consider as constitutional.

'I consider, then, the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.' [1]

South Carolina was not to be conquered by proclamation. Her legislature hurled back defiance at Old Hickory, and raised a volunteer force to defend the State from 'invasion'. President Jackson, encouraged by loyal addresses that poured in from all parties and sections, wished to throw an army into South Carolina at the first show of resistance to the customs officers.

[1] Macdonald, *D. S. B.*, pp. 333–40; *S. D.*, pp. 273–83. Jackson's remarks in the same document on the 'right of secession' are also significant, since he found the weak spot in Calhoun's deduction of that right from the compact method of forming the Constitution. 'The Constitution of the United States then forms a *government*, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States. . . . But each State having parted with so many powers as to constitute, jointly with the other States, a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league but destroys the unity of a nation. . . . In our system . . . authority is expressly given to pass all laws necessary to carry its powers into effect, and, under this grant, provision has been made for punishing acts which obstruct the due administration of the laws.'

But could he afford to? It was no question of suppressing a mere local insurrection, as Washington had done in 1794, but the very delicate and dangerous matter of coercing a State. Virginia regarded nullification as a caricature of her resolves of 1798, Georgia 'abhored the doctrine', and Alabama denounced it as 'unsound in theory and dangerous in practice';[1] but the majority in all the Southern States probably believed in the constitutional right of secession, and Georgia had made the very dangerous proposal of a Southern Convention.

Extremists aside, every one wished to avoid bloodshed. Jackson's friends feared lest coercion disrupt their party; and what the nullifiers really wanted was repeal of the tariff. Within three weeks of the President's proclamation, the House Committee of ways and means proposed to reduce the duties. An informal meeting at Charleston resolved on 21 January 1833 to suspend the nullification ordinance until the new tariff bill became law; and the customs officials at Charleston were not molested. In Congress concession and compulsion went hand in hand. On the same day (2 March 1833) Jackson signed (*a*) the Force Bill,[2] authorizing him to use the Army and Navy to collect duties if judicial process were obstructed; and (*b*) Clay's compromise tariff, providing a gradual scaling down of all schedules until they should reach 20 per cent *ad valorem* in ten years' time. The South Carolina Convention then reassembled, and repealed the nullification ordinance.

Each party marched from the field with colours flying, claiming victory. Both seemed to have derived new strength from the contest. Nationalism was heartened by Jackson's proclamation and the Force Act, but South Carolina had proved that a single deter-

[1] Ames, *State Docs. on Fed. Relations*, pp. 180–1.

[2] Macdonald, *D. S. B.*, p. 341; *S. D.*, p. 284.

mined State could force her will on Congress, and change the commercial policy of a country which she still denied to be a nation. Jackson would have preferred to concede nothing until Calhoun and his party had passed under the Caudine forks; for beyond nullification he saw secession. The 'next pretext', he predicted, 'will be the negro, or slavery question'. With Old Hickory to lead the battle, it was a golden opportunity to crush disunion—if indeed it could have been crushed without removing the cause.

2. *The Election of 1832*

In the midst of these alarums and excursions came the presidential election of 1832, memorable in the history of political organization. Jackson men from all parts of the Union organized as the Democratic party sent delegates to a national party convention, which adopted the famous two-thirds rule[1] and renominated Jackson for the Presidency. The opposition organized as the National Republican party (for which the name Whig, of happy memory, was shortly substituted), and nominated Henry Clay. These were the two major parties of the future. In 1832 there was a third party in the field, the Anti-Masons.

That a party of so strange a title should contend for national power was of social rather than of political significance. Americans of the nineteenth century were so in love with the methods of democracy, that no sooner did a few earnest men capture a bit of what they took to be eternal truth, than they proceeded to organize it politically. If some local success proved the scent good, it brought politicians hot-foot to the hunt that they might partake of the kill, or to lead off the field in pursuit of bigger game. This Anti-Masonic party arose in 1826, out of the disappearance of a New

[1] The rule that a two-thirds' majority is necessary for nomination.

York bricklayer named Morgan, who had divulged the secrets of his Masonic lodge. A corpse was found floating in the Niagara river. It could not be proved to be Morgan's; but, as a politician said, it was 'good enough Morgan until after election'. Both the event and the Freemasons' efforts to hush it up revived an old British prejudice (now quite dead in America) against secret societies. Several young politicians, such as William H. Seward, Thurlow Weed, and Thaddeus Stevens, threw themselves into the Anti-Masonic movement, which became strong enough to elect a state governor or two. In 1831 it held a national convention and nominated presidential candidates, who took thousands of Northern votes from Clay. In a few years' time the Anti-Masons faded out; but the sort of people who were attracted by a one-idea party easily took up with the next that came along, and successively became Free-Soilers, Know-Nothings, and Republicans.

3. *War on the Bank*

This presidential election of 1832 decided the case of Andrew Jackson *v.* the Bank of the United States. He had been elected in the first instance as a popular champion against the B.U.S. Since 1819 the Bank had been well managed, to the profit alike of the Government whose funds it handled, the business community which it served, and the stockholders; but it was still unpopular in the West. Jackson shared this prejudice, together with a profound conviction that the money power was the greatest enemy to democracy. As the Bank's charter would expire in 1836, if not sooner renewed by Congress, Jackson's opinion was of some importance.

In the Eastern States the B.U.S. had established itself as a necessary part of the business mechanism; and the Pennsylvania Democrats and Carolina State-

rights people had no complaint to make of it.[1] Calhoun had no constitutional qualms on the subject, although by any consistent standard of strict construction the chartering of a national monopoly was a more palpable invasion of State rights than a mere raising of tariff schedules to a protective level.

Nicholas Biddle, President of the B.U.S., was no mean antagonist for President Jackson. Precursor of a race of energetic autocratic financiers, he had the same dislike of democracy that Jackson had of banking; but was anxious to keep the Bank out of politics, which was impossible. His social and business relations were largely with Jackson's opponents. Daniel Webster was at the same time a director of the B.U.S., its leading retained counsel, its debtor by personal notes to the sum of many thousands, and Senator from Massachusetts. Congressmen were often paid their salaries by the Bank in advance of the annual appropriation bill, without interest charges. Journalists like James Gordon Bennett, the Scots-born father of the American yellow press, obtained loans on very favourable terms. Other newspapers were paid to insert in their columns 'real and positive information' on the patriotic services of the B.U.S.

'I do not dislike your bank more than all banks', President Jackson informed President Biddle. 'But ever since I read the history of the South Sea Bubble, I have been afraid of banks.' What he wanted was a mere bank of deposit attached to the Treasury Department, with officials appointed under the spoils system. However, the backwoodsman's axe might grow rusty in Washington. Little favours by the Bank to Jackson's friends, careful consideration of the Treasury's wants,

[1] In January 1832 the Bank Stock was distributed as follows (in round numbers): New York, 31,000; Pennsylvania, 51,000; Maryland, 34,000; South Carolina, 40,000; New England, 15,000; the West, 3,000; Europe, 84,000. Catterall, *Second B. U. S.*, p. 508.

and by 1830 Jackson was speaking 'in most exalted terms' of Biddle. The octopus was closing in on the old warrior, sucking away his prejudice. Yet no one could induce him to say on what terms, if any, he would accept a rechartering bill.

As the election of 1832 approached, Biddle was badgered by the opposition to allow Congress to bring forward a rechartering bill. McLane warned him that such a measure would arouse Jackson's pugnacity. He begged Biddle to wait until after the election. But Henry Clay, most inadvisedly, wished to make the B.U.S. an issue in the election, and won Biddle's consent. A recharter bill passed Congress on 3 July 1832. Jackson vetoed it, with an explanatory message that identified the Democratic party with radicalism. The bank recharter, according to the President, was not only an unconstitutional invasion of State rights;[1] it would continue a monopoly and exclusive privilege, the profits of which must come 'out of the earnings of the American people', in favour of foreign stockholders and 'a few hundred of our own citizens, chiefly of the richest class'. He could not permit the 'prostitution of our Government to the advancement of the few at the expense of the many'.

The logic of the veto message was puerile, the economics contemptible; but as an appeal to the people it was irresistible. Jackson was re-elected, together with a House of Representatives upon which he could depend. Yet Nicholas Biddle refused to admit defeat. 'This worthy President thinks that because he has scalped Indians and imprisoned judges, he is to have his own way with the Bank. He is mistaken.'

Instead of waiting for the Bank to die a natural death

[1] Yet the bill had been reported from a committee on which George McDuffie, Calhoun's lieutenant in the nullification movement, was chairman, and was voted for by most of Calhoun's partisans in both Houses!

in 1836, Jackson decided at once to deprive it of government deposits. One Secretary of the Treasury had to be kicked upstairs to the State Department, and another dismissed, before one could be found to obey orders. After 1833, government receipts were deposited in local banks—Jackson's 'pet banks', which he believed to be safer than the expiring 'monster'.

This financial war came in the midst of a period of unparalleled speculative activity, coincident with improvements in transportation, a brisk demand for cotton, and increased Westward migration. The passing of the B.U.S., with its wholesome if unpopular habit of promptly presenting the notes of local banks for payment, took off the last brake. The currency was already chaotic, when an Act of 1834 made matters worse by establishing the coinage ratio of 16 to 1 between silver and gold, which drove silver from the country.[1] Yet the only embarrassment to the Treasury was a surplus which rapidly mounted with increased sales of public land, and the final payment of the national debt in January 1835. Henry Clay, fearing lest the administration devise some way to spend the surplus, managed to get through Congress a 'distribution' scheme in 1836. About $28,000,000 was presented by the Treasury to the State governments. Some States used the money for public works, others

[1] *The British Mechanics' and Labourers' Hand Book and Guide to the United States* (London, 1840) warns British immigrants to distinguish between the U.S. treasury notes, which passed at par, and the notes of hundreds of local banks, which passed at a discount varying between one and twenty-five per cent, according to their distance and soundness. Copper and silver coins of the United States had passed almost completely out of general circulation. In exchange for his sovereigns, the Englishman might receive coins of Spain, Portugal, and several different South American States; the most common being the Spanish dollar and its subdivisions: a source of further confusion, since these coins were valued differently in the theoretical colonial coinage of New England, New York, and Pennsylvania, which was still used in ordinary reckoning.

used it as a fund for education, one even made a *per capita* distribution; but mostly it fed speculation. Jackson then administered a severe astringent, in the 'specie circular' of 1836, ordering that the Treasury receive no paper currency for public lands. Shortly after, the panic of 1837 burst upon the country; and the surplus disappeared almost overnight. Short-time treasury notes tided over the crisis, but the whole of the next administration (1837–41) was spent in seeking a substitute for the B.U.S.; and none was found comparable with it for service and efficiency until 1913.

Jackson's war on the Bank was not only a symptom of growing pains in America, but an aspect of that fundamental hostility to monopoly and special privilege which the colonists brought from England, and which broke out in the Boston tea-party, in Jeffersonian democracy, and in the progressive movement of the present century.

4. *Removal of Redskins*

Jackson's attitude towards the Indians, like his war on the Bank, betrayed a dyed-in-the-wool Westerner. He carried out a policy suggested by Jefferson, the removal of all Indian tribes to the Far West. Between 1829 and 1837 ninety-four Indian treaties were concluded, several million acres relinquished, and many thousand redskins more or less forcibly transferred to the Trans-Mississippi West.

Most of the Indian tribes were too feeble to resist the process, but at three points there was trouble. Chief Black Hawk of the Sauk and Fox endeavoured to retain the ancient tribal seat at the mouth of the Rock River, Illinois.[1] Squatters encroached on his village, enclosed the Indians' cornfields, and even ploughed up the graves of their ancestors. So in 1831 Black Hawk

[1] Opposite the present city of Davenport, Iowa.

withdrew into Missouri territory. There famine followed, and hostile Sioux threatened. Hoping to find a vacant prairie in which to plant a corn crop, Black Hawk returned the following year with about a thousand of the tribe. Misinterpreting this move as a hostile expedition, the Illinois militia turned out—Abraham Lincoln commanding a company—and pursued the starving Indians up the Rock River into the Wisconsin wilderness. It was a disgraceful frontier frolic, stained by a wanton massacre of Indians, including women and children, when attempting to recross the Mississippi. The only redeeming feature was the chivalrous consideration of Black Hawk by Lieut. Jefferson Davis of the regular army, when the captured chieftain was placed in his charge.[1]

In the South the Creek, Chickasaw, and Choctaw nations were amenable, and removed to the Indian Territory,[2] where their descendants still live and wax fat on oil leases. Two nations, the Cherokee and Seminole, were refractory.

The Cherokee, after ceding their hunting grounds in the late eighteenth century, fell back on their mountainous lands in north-western Georgia, guaranteed to them by treaty with the Federal Government. It had always been a grievance against the Indians that they would not settle down to civilized ways. The Cherokee, however, built themselves neat houses and good roads, preserved the peace, received Christian missionaries kindly, published books in an alphabet invented by their tribesman Sequoya, adopted a national constitution, and, on the whole, were more civilized in 1830 than the Georgia 'crackers' who coveted their

[1] Black Hawk's rear-guard action at Wisconsin Heights was referred to by Jefferson Davis forty years later as the most gallant and well-fought fight he had ever witnessed. *Journal of Ill. State Hist. Soc.*, xvi, Part I, 11.

[2] The present State of Oklahoma.

land. In plain derogation of the Cherokee treaty with the United States, the State of Georgia claimed them as her subjects and tenants-at-will. An unfortunate discovery of gold in the Cherokee country about 1829 brought in a rough class of whites. It was a case of Federal supremacy against State rights as clear as that of South Carolina; but President Jackson let Georgia have her way. Regulars sent in by President Adams to protect the Indians were withdrawn; and when Chief Justice Marshall decided, on a test case, that the Cherokee nation occupied a territory within which the laws of Georgia could have no force, Jackson is said to have remarked, 'John Marshall has made his decision. Now let him enforce it.' A portion of the Cherokee then exchanged their lands in Georgia for a section of the Indian Territory, and five million dollars. The rest held out for a few years; but in 1838 they too were driven westward from the lands of their ancestors.

A similar controversy with the Seminoles of Florida had a more tragic solution. A treaty of removal was negotiated with a few chiefs, but repudiated by the greater portion of the tribe, led by its brave chieftain Osceola. Secure in the fastnesses of the everglades, Osceola baffled the United States army for years, and was only captured by treachery when bearing a flag of truce. His people kept up the fight until 1842, when they were almost exterminated; but they cost the United States some twenty million dollars, and fifteen hundred lives.

At the end of Jackson's second term practically all the Eastern Indians had been provided for, west of a 'permanent' barrier that ran from Lake Superior through Wisconsin and Iowa Territories, and thence along the western boundaries of Missouri and Arkansas to the Red River. A chain of military posts, garrisoned by dragoons and mounted riflemen, was established to keep whites and reds apart. Jackson declared

in 1835 that the nation was pledged to keep this barrier permanent. All but the southern limb of it was torn up within twenty years.[1]

5. *Foreign Affairs*

Foreign affairs in Jackson's administration are a very different story. Charles Vaughan, the British Minister at Washington, feared that the 'violent and ungovernable temper' of the man who had hanged Arbuthnot was of ill omen for Anglo-American relations; and William IV later told Van Buren how 'all classes of his subjects had been alarmed at the General's election'. The omen was averted. Jackson entertained the most charitable feelings towards the people he had thrashed so soundly at New Orleans. There were moments of irritation and even danger over the unadjusted north-eastern boundary; but Vaughan and Van Buren smoothed things over.[2] Adams had clashed with Canning in Mexico and South America; Jackson abandoned Poinsett, and forgot the doctrine of Monroe.[3] Adams and Clay had been wont to prefer minor

[1] Map in F. Paxson, *American Frontier*, p. 280. Cf. J. C. Malin, *Indian Policy and Westward Expansion* (Lawrence, Kansas, the University, 1921); A. H. Abel in *Report of Am. Hist. Assoc. for 1906*, i. 233, 438.

[2] It was not Jackson's fault that the Dutch solution of the Maine–New Brunswick boundary question was not accepted (1831). Both Maine and Massachusetts insisted that no treaty could deprive a State of territory or jurisdiction without its consent—precisely the contention of Georgia respecting the Cherokee. Jackson, consistent with his attitude on that case, refused to press the Dutch compromise, and the Senate withheld its consent—unfortunately, since the United States would have gained more territory than Webster later secured, and Canada would have had one complaint the less against the Foreign Office.

[3] 'Mr. Van Buren observed to me that the present administration of the United States was not disposed to assume the high tone in their relations with the States of Spanish America which had been assumed by the President Adams and Mr. Clay—that the present Executive

complaints in diplomatic notes; Vaughan and Van Buren settled such matters by conversation, possibly with the fair mediation of Mrs. Eaton. Adams had stood out stiffly for impossible demands in respect of the West Indies; Van Buren came crawling on hands and knees to accept the British conditions of 1825.

On the West Indies question Van Buren informed the Foreign Office [1] that he hoped the 'acts of the late administration' would not keep the door permanently closed against the United States, since in the recent election the country had rejected Adams and repudiated his policy. Diplomatic arguments of that sort hardly accord with national dignity; but in this case they attained their object. Canada protested against the loss of her practical monopoly in supplying the British islands, but after Congress had passed an Act (29 May 1830) granting reciprocity, the British Government removed all restrictions from American produce and ships in the West Indies, save a moderate duty to maintain imperial preference. That question was settled permanently. In his annual message of 1830 to Congress, Jackson wrote:

'It gives me unfeigned pleasure to assure you that this negotiation has been throughout characterized by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.'

Jackson's dealings with Great Britain were the more noteworthy in contrast with his handling of a controversy with France. There was a claim for spoliations

Government had resolved not to interfere in any shape with the internal arrangements of those States.' Vaughan to Aberdeen, 31 July 1829. F. O. 5. 249.

[1] In his instructions to McLane of 20 July 1829, which he was authorized to read to Lord Aberdeen. H. Adams, *Gallatin*, p. 618.

under the Berlin and Milan decrees, for which the government of Louis Philippe, in a treaty of 1831, agreed to pay twenty-five million francs. The French chambers adjourned without voting the money, and a draft for the first instalment, drawn by the Secretary of the Treasury, was protested.

Jackson at once alarmed American business and offended the French Government by ordering the Navy to prepare for active service, and recommending Congress to authorize the seizure of French property (5 October 1834). Finally the Chambers voted the money, on the condition that it should not be paid until the United States offered 'satisfactory explanation' of the President's words. Jackson refused to apologize. There matters stood until the close of 1835, when the President disclaimed any intention to insult France, though he would not apologize 'for the statement of truth and the performance of duty'. At this point the British Government mediated with success. Wounded honour was satisfied, and the treaty was duly carried out.

Many of Jackson's more conservative supporters had been alienated by his breach with Calhoun, his financial vagaries, and his unfit appointments; but with the people at large he never stood higher than towards the close of his second administration: and his party allowed him to dictate the nomination of Van Buren as his successor. The Whigs were as yet so loosely organized that their strategy in 1836 was to vote by local units for 'favourite sons' like Webster and Harrison, hoping thereby to throw the election into the House of Representatives. But Van Buren polled a majority, and was elected President.

The next 4th of March marked the passing of a vital personality, and the founding of a new presidential dynasty. Up Pennsylvania Avenue wound a military procession, escorting a small phaeton (built from the

wood of the *Constitution* frigate) drawn by a team of four greys. The old President, feeling his seventy years and emaciated by long illness, sat erect with his fine white head bared to the March sunshine, and the old indomitable spirit flashing this last triumph from his eyes. Beside him, and a head lower, sat Martin Van Buren, with the bland aspect of the cat who had swallowed the canary. Taney, the new Chief Justice (of whom more anon), administered the inaugural oath to the new President; and there followed a more seemly reception at the White House than that of 1829. Andrew Jackson then returned by easy stages to his beloved Hermitage in Tennessee.

Few Presidents accomplished so much as Old Hickory, and none has made a greater appeal to popular imagination. In his person he proved that the average American of sound character and common sense could win, and was fit to administer, the most powerful elective office in the world. But democracy left the White House with the first Democrat.

XXX

THE NORTHERN STATES

1820–50

1. *America's Awkward Age*

LEAVING the 'Little Magician' safely seated in the White House, let us turn to the material and moral forces that were pulsing through the United States of his generation. Statesmen and parties had done much to shape those forces, and more could be done with foresight and courage. Without violence they had transferred power to a new class and sectional combination. They had weathered the storm of nullification, and had evolved from the political anarchy of the twenties two national parties, both pledged to preserve the Union. Yet, in spite of their efforts, social and economic forces were pulling North and South apart. Both were progressing, but divergently. Northern society was being transformed by the industrial revolution, by cheap transportation, and by educational, humanitarian, and migratory movements that touched the border slave States very little, and the lower South not at all. Southern society was readjusting itself to the cotton plantation, tilled by slaves. By 1850 two distinct civilizations had been evolved, as different in their material basis, moral ideas, and view of life as England and Spain of to-day.

In superficial appearance the Northern States had not much changed since 1790. Harriet Martineau in 1836, like Volney in 1797, was never out of sight of the woods, save in the prairies of Illinois; but there was a good deal less forest. The most striking new feature in the Northern landscape was not the occasional railway or canal, but the factory village, new and bright, built near some waterfall or rapid; containing from

two to ten mills plainly built of wood, brick, or stone, as many pretentious mansions of the owners or superintendents, and hundreds of operatives' houses, exactly alike. New York City, as Dickens saw it in 1842, was low, flat, and straggling, enclosed by a hedge of masts; a city without baths or plumbing, lighted by gas and scavenged by pigs. Georgian architecture had given place to the neo-classic. Public buildings were being constructed of grey granite, and the wealthier farmers and country lawyers masked their wooden houses with a classic colonnade and pediment. In the Middle West the white-painted farm-house was beginning to predominate; but in new settlements the log cabin and untidy clearing dominated the landscape. American scenery began to be appreciated for its 'romantic' contrasts of mountain with valley, sand beach or rocky coast with island-studded sea, and its 'stupendous' gorges and cataracts. Barrack-like hotels with long covered verandahs were being put up at places like Saratoga Springs, Niagara Falls, Newport, and Nahant, in order to accommodate sight-seers, to provide for the brief vacations of business men, and the vacuous pleasures of their valetudinarian wives. Gimcrack Italian villas and Gothic cottages multiplied near the larger cities in the forties; proclaiming that wealth was being amassed faster than good taste, and portending a new class of city-bred gentleman farmer.

It was America's awkward age. The rather attractive child who had left his parent's roof, the marvellous boy who had proclaimed great truths (or perhaps delusions) to a candid world, was now a gawky hobbledehoy. He had fashioned for himself an excellent pair of skis that he called Republicanism and Democracy; but like the first British skier in Switzerland, he was in the stick-riding stage of development. His outrageous antics in the snow, his hair-breadth escapes, and colossal tosses were viewed with mingled amusement and disgust by

devotees of the old-fashioned toboggan and snow-shoe. Avid of praise, he resented advice; believing that observers were really criticizing him for ski-ing at all.

Republicanism and democracy did work, and the resources of a new country, exploited by the inhabitants under laws of their own making and breaking, had brought a degree of comfort and security to the common man that he had not known since the days of good Queen Bess. It was not surprising that Americans were full of bounce and bluster, contemptuous of old-world monarchies. Not that Jefferson Brick and Hannibal Chollop represented even the extreme of that sort of thing; they were as mythical as Mrs. Harris. Even a frontier bully would have had some redeeming qualities, if only, as Emerson's grandfather remarked at the village reprobate's funeral, that he was useful at fires. The American had many unpleasant habits, particularly in connexion with tobacco;[1] and no manners. Respect and deference were not to be had of him at any price; but those who addressed him as an equal discovered a natural civility and spontaneous kindness that took the place of manners. Intercourse between man and man was easy and pleasant because there was no assumption of social superiority on the one side, or acknowledged inferiority on the other.[2] It was not so much the freedom, simplicity, and good humour of the

[1] 'Spitting and swearing are nearly out of fashion in Philadelphia, and at this moment we cannot recall more than two or three gentlemen and they are in the sear and yellow leaf, who would think of such a thing as spitting on the carpet of a lady's drawing room.' *A Pleasant Peregrination in Pennsylvania* (1836), p. x.

[2] One curious aspect of this attitude that has disappeared with it was the dislike of uniforms. The first New York police force in 1844 struck at wearing a uniform blue coat as servile. Railway guards and postmen refused to wear uniforms until some time after the Civil War; and academic gowns were introduced about the same time. General Taylor wore a uniform only twice during the Mexican War, according to U. S. Grant.

people that endeared them to Harriet Martineau, as the 'sweet temper . . . diffused like sunshine over the land', and due to 'the practice of forbearance requisite in a republic'.[1]

Forbearance the Americans carried to excess in their uncritical attitude towards their own books, customs, institutions, and abuses. Almost every English traveller of the period remarked the patience of Americans under the afflictions of contemporary travel, denounced their deference to majority opinion, and deplored their fear of expressing unpopular theories. This meant that the Americans were becoming less independent and more gregarious; a deference to the opinion of others being a condition of social intercourse on a democratic basis. Yet so complex was the American character that the excess of one quality was balanced by the excess of its reverse. Intolerance appeared in the persecution of unpopular groups such as free negroes, immigrants, abolitionists, and Catholics; and in hot resentment of unfavourable criticism. Yet we should be mistaken in ascribing these qualities wholly to democracy or to immaturity. Spain, as proudly isolated beyond the Pyrenees as America once was beyond the Atlantic, still shows many of the characteristics of America in her awkward age.

Nor was distinction wanting in a country that produced in one generation Calhoun, Webster, and Irving; and in the next, Emerson, Whitman, Lee, and Lincoln. There was merely a lack of those differences in dress, manner, and mode of living by which Europeans were accustomed to recognize the distinguished man. Clerks dressed almost as well as their employers, factory girls copied the latest Paris fashions. Scarcity of 'help', and total lack of good servants—since Americans regarded domestic service as a badge of inferiority—made it impossible for the wealthiest Northern merchant to

[1] *Society in America* (N.Y., 1837), ii. 188.

keep up a large establishment.[1] Young married couples in the cities generally lived in hotels or boarding houses. Arthur Hugh Clough, after trying to live at Harvard like an Oxford don, wisely concluded that to enjoy America one must live roughly and simply.

It was America's busy age, or one of them. Eighteenth-century travellers railed at the Americans for their indolence; nineteenth-century travellers criticized their activity. 'Lazy dogs' apparently begat 'dollar chasers'.[2] Each Northern community was an ant-hill, intensely active within, and constantly exchanging ants with the other hills. Every man worked, or at least made a semblance of it; the few who wished to idle, and could afford idleness, fled from the opprobrium of 'loafing' to Europe, where they swelled the chorus of complaint against democratic institutions. Nothing struck English travellers more forcibly than the total want of public parks and pleasure resorts, of games and sports, or of simple pleasures like country walking. The northern American had not learned how to employ leisure; his pleasure came from doing things. Frontiersmen were fond of shooting and fishing, and country boys played games such as hare and hounds, prisoner's base, and rounders. But the average adult American regarded games as a waste of time. Baseball and intercollegiate rowing did not begin until the eve of the Civil War.

Bad cooking, an atrocious regimen,[3] and lack of out-

[1] Charles Bagot advised Stratford Canning, on the point of replacing him in the Washington legation, 'If you can get a clean, ugly, and monarchical housemaid, and also a kitchen maid, you will find them of infinite value.—Your great difficulty will be to keep your servants.'

[2] British North America in 1840 was still largely in the indolent stage of development—Judge Haliburton of Nova Scotia created his comic character, Sam Slick, to reprove the 'Blue-noses' for their backwardness.

[3] A former Senator from Indiana has described to me the breakfasting habits of the people in his native village at the time of the Civil

door exercise made the 'females' of the period pallid and delicate; and the robust constitutions of frontiersmen were undermined by fevers and agues, particularly in the 'river bottoms' or alluvial plains of the Mississippi and its tributaries.[1]

Yet, with all these drawbacks, the Northern and Western States were a land where dreams of youth came true; where the vast majority of men were doing what they wished to do, without restraint by class or administration. 'We were hardly conscious of the existence of a government', wrote a Scandinavian immigrant in New York. The fun of building, inventing, creating, in an atmosphere where one man's success did not mean another's failure, gave American life that peculiar gusto that Walt Whitman has caught in his poetry. Europeans often mistook this joyous activity for avidity: the incidental results for the object. Half the population were engaged in realizing the ambition of frustrated peasant ancestors for a farm of their very own, clear of rent and charges. The other half, having achieved the farm, had tired of it; and like the boy who loses interest in his completed rabbit hutch, had turned to some other occupation, or taken up pioneering again.

War. Shortly after dawn the men might be seen issuing from their cabins and houses, converging on the village butcher's, where each purchased a raw and bleeding beef-steak, cut from an animal slaughtered the previous evening. Coming and going, they stopped at the village store for a dram of corn whisky. Returning, their wives prepared a breakfast of black coffee, fried beef-steak, and hot, damp cakes of maize.

[1] 'Your father had a shake of the ague', wrote Mrs. Tillson in her *Woman's Story of Pioneer Illinois* (Chicago, 1919, p. 28). 'The next being the intermediate day, he rode to Mr. Hoxie's . . . and waited over there for another shake, which Mrs. Hoxie said "beat all the shakes she ever saw; he shuck the hull cabin".' 'We was sick every fall regular', reminisced the mother of President Garfield. T. C. Smith, *Garfield*, i. 3.

2. *Transportation and the Westward Movement*

The westward movement recovered its momentum after the hard times of 1837–40. New Englanders, who a generation before had settled the interior of New York and Ohio, were pressing forward into the smaller prairies of Indiana and Illinois, where the tough sod taxed their strength but repaid it in the end with bountiful crops of grain, where shoulder-high prairie-grass afforded rich pasturage for cattle, and groves of buckeye, oak, walnut, and hickory furnished wood and timber. A favourite objective for Yankee settlement was Southern Michigan, a rolling country of 'oak openings', where stately trees stood well-spaced as in a gentleman's park. As a popular song of the period put it:

> Come all ye Yankee farmers who wish to change your lot,
> Who've spunk enough to travel beyond your native spot,
> And leave behind the village where Pa and Ma do stay,
> Come follow me and settle in Michigania,—
> *Yea, yea, yea, in Michigania!*

Others were hewing farms from the forests of Southern Wisconsin, and venturing across the Mississippi into land vacated by Black Hawk's redskins—to Minnesota and

> Ioway, Ioway, that 's where the tall corn grows!

Yankees direct from New England, German immigrants, and the old pioneer stock from Pennsylvania and Kentucky were swelling the stream.

Improved transportation was the first condition of this quickening life. Canals, roads, and railways took people west, and connected them with a market when they got there; increased the marketing radius of cities and factory towns; made it worth while to be industrious.

In 1826, when Charles Vaughan took a trip on the newly opened Erie Canal, the country on each side of it between Utica and Rochester had been cleared to a width of not more than one mile. Yet only the next

year the governor of Georgia was complaining that wheat from central New York was being sold at Savannah more cheaply than wheat from central Georgia. By bringing the Great Lakes within reach of a metropolitan market, the Erie Canal opened up the hitherto neglected northern regions of Ohio, Indiana, and Illinois. At the same time it made New York City the principal gateway to the farther West.

As soon as it became evident that little help could be expected from the Federal Government for internal improvements,[1] other States followed New York in constructing canals, or lending their credit to canal corporations. Ohio linked the Great Lakes with the Mississippi valley in 1833–4. Cleveland rose from a petty frontier village to a great lake port by 1850; Cincinnati, at the other end of the State canal system, sent pickled pork down the Ohio and Mississippi by flat-boat and steamer, shipped flour by canal-boat to New York, and in 1850 had a population of 115,000—more than that of New York City in 1815. Three hundred lake vessels arrived at Chicago in 1833, although its population was but 350. Three years later the first cargo of grain thence arrived at Buffalo for transhipment by the Erie Canal. An English traveller pronounced Chicago in 1846 to be a city of 'magnificent intentions'; and predicted that after being burnt down once or twice it might amount to something.[2] The following year Cyrus McCormick began the manufacture of his reaping machine at Chicago. In 1856 the city was connected by railway with New York, and by 1860 it was almost as large as Cincinnati, and threatening St. Louis.

The Erie Canal forced Boston, Philadelphia, and

[1] See above, p. 322.

[2] G. F. Buxton, *Mexico and the Rocky Mountains*, p. 327. Dickens had used the same phrase for Washington, which the Abbé Correa in Jefferson's day had called the 'city of magnificent distances'.

Baltimore into rival activity. Philadelphia was shocked to find that her cheapest route to Pittsburg was by way of New York City, Albany, Buffalo, and wagon road from Lake Erie. The State of Pennsylvania then put through the great Portage system to Pittsburg, surmounting the Alleghanies at an elevation of 2,300 feet by a series of inclined planes, up which canal boats or railway carriages were hauled by stationary steam-engines. Pennsylvania had almost a thousand miles of canals in operation by 1840; in twenty years' time the railways had rendered most of them unprofitable.

Baltimore's plan for cheap transit to the West was the Baltimore and Ohio railroad. The first spadeful was turned in 1828 by the last surviving signer of the Declaration of Independence; but the project encountered unexpected difficulties, and did not attain the Ohio river until 1833. American railways were not created to connect important cities, but to increase the distributing radius of individual cities, around which they were disposed like sticks on a fan; each system having its own gauge, lest rivals use the line. Railways were regarded merely as an improved sort of road, and one of their chief competitors down to 1850 were the plank roads—a familiar feature of Civil War maps—constructed by turnpike companies as a cheap substitute for macadam. Although very few canals were constructed in the forties, while railway mileage tripled, the former kept the better part of the goods traffic. In the early fifties the completion of the Hudson River Railroad from New York to Albany, where it was connected with the New York Central for Buffalo, and of the Pennsylvania Railroad from Philadelphia to Pittsburg, caused such an astounding transfer of goods from canals to railways, particularly in the winter season, as to prove the superiority of rail for long-distance haulage, and to suggest that it was the proper instrument for penetrating the continent.

The first locomotives used in the United States were purchased at the Stephenson works, and iron rails were largely imported from England until the Civil War. But the Americans began at once experimenting. The swivel or bogie truck was soon invented, as were the open one-class corridor carriage and sleeping car, which still offend the travelling Englishman's sense of privacy and decency. In safety appliances, however, the American railways were very backward. Collisions were frequent, strap-iron rails curled up over the wheels, and the wood-burning locomotives belched forth showers of sparks that ignited the forests, as well as the passengers' clothes.

3. *The Packet-Ship and Immigration*

America was the first country to make practical use of the steamboat, but lagged behind England in applying steam to the deep-sea merchant marine. The wooden paddle-wheel steamboat was an ideal type for rivers, or for protected tidal waters like Long Island sound, Hudson river, and Chesapeake bay; but the ocean steamer was born in the tempestuous waters about the British Isles. American shipbuilders concentrated their skill and energy on sailing vessels. From 1817 to 1849 the direct carrying trade between England and the United States was on the same level of competition, so far as the laws of the two countries could effect it; and until 1830 British bottoms had the exclusive privilege of the West Indies' triangular trade. Yet by 1824 the freight and passenger traffic from Liverpool to New York and Boston had been captured by the Americans. 'The reason will be evident to any one who will walk through the docks at Liverpool', wrote an English traveller in 1824.[1] 'He will see the American ships, long, sharp built, beautifully painted

[1] W. N. Blane, *Excursion through the U.S.* (London, 1824), p. 348.

and rigged, and remarkable for their fine appearance and white canvas.[1] He will see the English vessels, short, round and dirty, resembling great black tubs.' The former were the flash packets of the American marine, the famous Swallow-Tail and Black Ball liners, that were driven by their dandy captains, bucko mates, and Liverpool Irish crews, across the Western Ocean, winter and summer, blow high blow low, in little more than half the average time taken by British vessels. It was a proud seaman in those days who had earned the right to sing :

I served my time in the Black Ball Line,
To me way-aye-aye-hurrah !
In the Black Ball Line I served my time,
Hurrah for the Black Ball Line !

A leading motive for the complete reversal of British shipping policy in 1849 was the desire of British merchants to employ the superior American vessels.[2] When the East India Company lost its monopoly of the China trade in 1834, the Americans still held their own against private British competitors ; and in 1845 a New York ship-yard produced the clipper ship *Rainbow*, first of a type carried to perfection in the next decade.

Another favourite chanty of the square-rigger days hints at the nexus between packet-ships, railways, and immigration :

In eighteen hundred and forty-three
I sailed away across the sea,
I sailed away to Amerikee
To work upon the railway,
I'm weary of the railway,
O ! poor Paddy works upon the railway.

[1] The American ships were the first to use cotton duck sails, cut flat ; these and their fine lines made them faster and more weatherly than European vessels.

[2] See the minutes of evidence in *Parl. Papers*, 1821, vi, 1830, vi (esp. pp. 364–80), and 1847, x.

An era of canal and railway construction created a demand for cheap labour, and made it easier to reach the cheap western lands. England, Ireland, and Germany responded. During the decade of the twenties, less than ten thousand immigrants entered annually. Between 1830 and 1840 half a million immigrants (of which 44 per cent were Irish, 30 per cent German, and 15 per cent English) entered the United States from Europe, and in the forties over one million and a half, of which 49 per cent were Irish, and the others in the same proportion.[1]

Liverpool, Havre, and Hamburg were the principal ports of embarkation. European governments attempted to mitigate the hardships of the passage by requiring a minimum of space, rations, and decent treatment on the emigrant ships; but without much success. Seldom was a westward passage of the Atlantic made under a month. Neither the Federal nor the state governments made any effort to protect the immigrant on his arrival. Many arrived penniless, having exhausted their savings on the journey; and those who did not, often fell a prey to water-front sharpers. But it must be admitted that as soon as they recovered their shore legs, the immigrants were quite able to defend themselves. As early as 1835 we hear of Irishmen driving the Whigs from the polls in New York, and putting the mayor and sheriff's posse to flight with showers of 'Irish confetti'. Despite the dark pictures of suffering and home sickness painted by the *Quarterly Review* and Charles Dickens, the immigrants prospered and sent for their friends.

[1] *Statistical Abstract of the U.S.* (1915), p. 90. These figures do not include the re-emigration from Canada to the United States, which, according to Lord Durham's Report, accounted for about half the British emigration to Canada. In 1850 the total population of the United States, 23 million, included almost one million persons of Irish birth, three-quarters of them in the northern Atlantic States; and over half a million of German birth, almost equally divided between those States and the West. Statistics in Channing, *U.S.*, v. 475.

All but a small fraction of the new-comers arrived in the Northern ports, and remained in the Northern States. Irish immigration reached its peak just after the great famine of 1846. Although mostly of peasant class, the Irish were tired of farming, and congregated in the cities, whence thousands of the men were recruited for construction work, and the women for domestic service. Peasant also were a majority of the Germans, but not in like degree; among them were thousands of artisans, a sprinkling of intellectuals, and political refugees from the revolutions of 1830 and 1848. German colonies were formed in the cities, especially New York, Baltimore, Cincinnati, and St. Louis; and Milwaukee was a German town by 1850. But the greater number bought western land as soon as they could earn the wherewithal, especially in Wisconsin and Missouri, which Friedrich Münch hoped to make a new Germany for exiled liberals. The sloop *Restaurationen* sailed from Stavanger in 1825 with fifty-three Scandinavian pilgrims who settled in western New York, precursors of many thousands who found pine forests and lakes in Wisconsin and Minnesota similar to those of their native land.

Practically all the immigrants of the period 1820–50 belonged to the northern races. They quickly became citizens and Jackson Democrats,[1] and contributed greatly to the wealth and progress of their adopted country. Yet all races but the English and Scots encountered as bitter opposition as the South Europeans and Asiatics of our own day. Street fights between natives and foreigners were a common occurrence;

[1] It is something of a mystery why the Irish first became Democrats. Jackson, as we have seen, was more friendly to England than Adams or Clay, and his party was the government from 1829 to 1841. But the Democrats were the party of the under dog in the large cities, and the Democratic politicians were probably the first to cultivate the Irish vote. The Germans were mostly Democrats until 1854, when their liberal leaders swung them to anti-slavery.

Catholic convents and churches, and German Turnverein head-quarters were sometimes attacked and destroyed. In part the antagonism was religious, since practically all the Irish and many of the Germans were Roman Catholics. In part it was due to emigration assisted by English and Irish authorities, who in order to relieve the rates 'dumped' thousands of paupers into the United States.[1] Most of them were paupers only in a technical sense, who wanted only an opportunity to work; but many became a public charge the moment they landed. For the most part, however, the hatred of immigrants was economic in motive. They competed with mechanics who were trying to protect their standard of living by labour unions. Natives refused to work with the new-comers, who were thus forced into manual labour, whatever their education. 'No Irish need apply' was a common sign on workshops and counting-rooms, but not on army recruiting offices.

4. *City and Factory*

These new methods and instruments of transportation not only helped to people the North and West, but by extending the domestic market hastened the industrialization of the East, threatened the self-sufficing farm, and brought farmers' boys into urban communities. Between 1820 and 1850 the combined population of New York, Philadelphia, Baltimore, and Boston increased from 343,000 to 1,162,000. In the latter decade, while the population of the United States increased 36 per cent, that of the towns and cities of 8,000 or more souls increased 90 per cent. Measured by numbers the urban movement was more

[1] This practice was encouraged by an Act of 1833 (3 & 4 Wm. IV, c. 40, s. 62), which authorized the Treasury to lend money to any parish for the purpose of shipping off its poor. For the pauper alien problem in the United States, see McMaster, *U.S.*, vi. 422 ff.

important than westward migration ; and its effect on the American character was the more lasting.

The factory system, as we have seen, was first introduced in the cotton industry and in New England before the end of the eighteenth century ; and became firmly established as a result of Jefferson's embargo and the War of 1812. Textile machinery replaced foreign importations and household manufacture, instead of, as in England, destroying a domestic industry ;[1] consequently the factory was introduced without friction. By 1840 there were twelve hundred cotton factories in the United States, operating two and a quarter million spindles, two-thirds of them in New England. Ring or frame spinning had been invented, power looms were being manufactured in large numbers, and even exported.

Francis C. Lowell, inventor of the first American power loom, was a man of social vision. At the New Lanark he learned that it was possible to have factories without a degraded labour force. Farmers' daughters were attracted to Waltham by relatively high wages, and the scruples of their pious parents were overcome by a provision of strictly chaperoned boarding-houses. The same maternal system was extended to the city of Lowell, which was founded by Boston capitalists in 1822, and to other mill towns on the Merrimac river. For a generation the Lowell factory girls, with their neat dresses, correct deportment, and literary weekly, were a wonder of America ; but not typical of America. The usual effect of the factory system was simply to transfer the scene of a family's labour from the home to the factory, as in England ; but on account of the wider opportunities in a new country, no permanent proletariate was created. Factory girls generally graduated from the mills in three or four years, and child labourers

[1] By domestic industry I mean the system by which the worker owns his tools and implements, and is supplied with material by an entrepreneur, who takes the finished product at a fixed price.

elsewhere usually managed to find some other occupation by the time they reached their majority.

Woollen manufactures developed more slowly, and although protected by even higher tariff schedules than those of cotton, were less successful in capturing the domestic market. Free trade in wool was not established as in England, nor was the mystery of mixing wools imported. Power looms and spinning-jennies were generally adopted in the twenties, and in 1840 an American Crompton invented a power loom for fancy woollens, just in time to produce the loud checked cassimeres favoured by the beaux of the forties. Lawrence, a woollen counterpart to Lowell, was established on the same river in 1845. Already there were over fifteen hundred woollen mills in the Northern States; most of them small individually owned establishments with a few sets of machinery, employing country people of the neighbourhood, and producing blankets, flannels, or satinet. Few attempts to compete with English worsteds were made before 1860.

As a result of this factory development, which continued to advance independently of tariff fluctuations, spinning and weaving in the home had almost disappeared by the Civil War;[1] and factory-made goods had reached all but the remoter parts of the West. The picturesque linsey, fur, and buckskin of the pioneer, and the homespun of his wife, were replaced by factory cottons and woollens, made up in the clothing shops of the Eastern cities.

In England the industrial revolution turned largely on coal and iron; but it was not so in the United States. Textile and other mills were operated largely by water power, and the iron industry developed very slowly. Suitable coal for cokeing was not found east of the Appalachians, but wood for making charcoal was abundant. Pennsylvanian iron-masters were more

[1] Statistics in R. M. Tryon, *Household Manufacture*, pp. 304–69.

adept in securing tariff protection against English iron than in improving their own methods of production. Cort's puddling process, invented in 1783, was not introduced in America until 1830, and then on a small scale. Even Pittsburg, which liked to call itself the Birmingham of America, used charcoal for smelting previous to 1840, rather than the bituminous coal which was plentiful in the neighbourhood. And Pittsburg, although it commanded the iron market of the Mississippi valley, could not sell its productions in the industrialized Eastern States until it obtained through railway connexion with Philadelphia.

Eastern Pennsylvania was the principal coal- and iron-producing region until 1860. Here anthracite coal and iron were found in abundance, and a rather inferior method of smelting the one by the other was adopted about 1836. The production of pig-iron increased from 54,000 tons in 1810 to 564,000 tons in 1850; but by that time Great Britain's production was almost three million tons, and the United States was importing thence iron, steel, and the manufactures thereof to almost twice the value of its own product.[1] Little steel was produced in America before 1870, and the engineering trades were undeveloped. Typical American iron manufactures of the period were nails, iron piping, and cast-iron air-tight stoves, which caused British travellers as early as 1830 to complain of over-heated American houses.

Textiles and iron do not exhaust the list of factory industries in the United States at this time, nor had mass production become a necessary condition of American industrial success. 'Their washing machines, refrigerators, rocking-chairs, all articles made of India rubber, are admirable', wrote a travelling Englishwoman in 1846.[2] Connecticut, in particular, was

[1] *Statistical Abstract of U.S.* (1915), p. 690.

[2] S. H. Maury, *Englishwoman in America*, p. 125; Charles Goodyear invented the vulcanization of rubber in 1839.

famous for small factories and workshops where specialized articles were produced by native ingenuity. The Colt revolving pistol and Winchester rifle were the result of Eli Whitney's invention of interchangeable parts for fire-arms. Connecticut tinware and wooden clocks were carried by Yankee pedlars far and wide.[1] One of the most popular exhibits at the Crystal Palace in 1851 was the array of sewing machines and other 'Yankee notions'.

Of the many American industries that were still in the domestic stage at this period, the most important was boot-making, for which no machine process of any importance was invented until 1850. In New England it was a winter occupation of farmers and fishermen, who, when the harvest was gathered, or the vessel hauled out for the winter, formed a 'crew' to make shoes and boots in a neighbourhood workshop, from stock put out by some local merchant. Every man was master of his own time, and had something to fall back on when demand slackened; there was no clatter of machinery to drown discussion. A boy was often hired to read to the workers. It was said that 'every Lynn shoemaker was fit to be an United States Senator'; and one Henry Wilson, the 'cordwainer of Natick' became Vice-President.

The cordwainers of New York and Philadelphia, more hard-pressed than their Yankee brethren by the capitalist and the immigrant, were pioneers in the first political labour movement in America.

[1] I am writing this, in Oxford, to the loud tick of a Connecticut wooden clock which kept time for the mutineers in the fort at Calpee, during the Indian Mutiny of 1857–8; and whose strike was so loud that the besieging Connaught Rangers told their time from it as well. It belonged to the sergeants' mess of the Rangers, from the capture of the fort until their dissolution in 1920.

XXXI

LABOUR AND EDUCATION

1825–50

1. *The first American Labour Party*

ACTIVITY, growth, and expansion are only one side of American social history in this period. Playing in and out of the material forces, like summer lightning in heavy clouds, were spiritual currents, intellectual sparks, thunderbolts of radicalism : portents of that clear flame of emancipation that split the American firmament in 1861, and set its very stars a-rocking.

Most of them came from Europe, and their repercussion was felt in Europe. Almost every event in the early labour history of America followed similar occurrences in the British Isles. This may have been due to the same causes producing like effects : the industrial revolution came to the Northern States a generation later than to England. But when we reflect that thousands of skilled artisans were emigrating to the United States, that religious bodies like the Friends kept up a constant intercommunication, and that reformers like Robert Owen were flitting to and fro, it is difficult to believe that there was no conscious imitation. Conversely, English radicals of such different types as William Cobbett, Major Cartwright, Gibbon Wakefield, and Joseph Sturge, were heartened and inspired by American example ; the six points of the People's Charter might have been selected from the established points of American democracy. Some day, it is to be hoped, this cultural field of Anglo-American relations may be as thoroughly explored as the diplomatic ; and with more detachment.

The first labour movement in America, as in England, was initiated by urban handicraftsmen rather than

factory operatives; but it took a different direction. Merchant-capitalists, in order to exploit the new western markets that the canals were opening up, were organizing trades, such as tailoring and boot-making, on a larger scale, with a system of long credits, division of labour, and wholesale marketing, that drove small establishments out of business. The old-time master workman, who employed a few journeymen and apprentices, was degraded to a foreman or boss [1] under an entrepreneur. Minute specialization broke down the apprentice system. With the introduction of gas in the cities, the old working hours of sun to sun were lengthened in the winter, making a twelve-hour day the year round.

Unions already existed in many of the handicrafts, but they had not yet received legal recognition; and the ranks of labour were so constantly diluted by immigrants and women [2] that the artisans were alarmed over their declining status. This was an old story in England; but the American workman had the vote, which his English brothers did not get for many years.[3] In 1828 a group of Philadelphia artisans organized the Workingmen's Party. The platform of this pioneer labour party of modern times had nothing to do with wages, everything with status: free public education, mechanics' lien laws to protect wage-earners from rascally contractors, and the abolition of imprisonment for debt.[4]

[1] This word, which comes from the Dutch *bas* (uncle), first appears in print in a New York labour paper in 1832. Its use in politics belongs to a later generation.

[2] Although women were not generally employed as shop assistants or in business offices until after the Civil War, they were to be found in over a hundred different occupations in 1835, and had even attained trades such as printing, from which the unions later excluded them. Edith Abbott, *Women in Industry*, chap. v.

[3] In 1825 manhood suffrage was established in every Northern State save Rhode Island.

[4] This was a crying evil, as in England. According to a contem-

There have always been two great obstacles to political labourism in the United States : social democracy and federal government. Opportunity for social betterment prevented the worker from becoming class-conscious. Westward pioneering was in the back of his mind in 1825 ; expectant capitalism in 1925. The federal form of government made it both impossible and useless for the workers to gain control of a Congress that had no power to enact social legislation.[1] It was to the state governments that labour looked for the laws they wanted. Yet no party organized for purely State purposes could hope to survive as an independent unit, since ' voting the straight ticket '—for the same party in national, state, and municipal elections—was becoming a fixed habit with Americans.

The most that a Labour Party could do was to wage a vigorous state campaign, and acquire enough strength to give it bargaining power with the Democratic Party, whose hostility to banks made a point of contact. The Workingmen's Party, with its moderate programme of social betterment, was making fast progress in the cities of Pennsylvania and New York, when it fell into the hands of malpractitioners.

Robert Owen was the earliest English radical who imagined that because America had achieved political liberty, she would be receptive to every form of liber-

porary report of the Prison Discipline Society of Boston, five-sixths of the prisoners in New England and the Middle States were confined for debt, the majority of them for sums under twenty dollars. Another grievance of the workers was the old assize-at-arms militia system (see above, p. 40), which compelled them to turn out for muster three days annually, or pay a fine of twelve dollars, as every one who could afford to, did. See William H. Seward's maiden speech on the militia, in 1831 (*Works*, i. 1–10).

[1] Since 1890 it has acquired a limited power of this sort, over employees engaged in transportation, by implication from the interstate commerce clause ; but the proposed constitutional amendment to give Congress jurisdiction over child labour was defeated.

tarianism ; who came to reform, and stayed to scold. In 1825 he purchased a German Rappite settlement at New Harmony, Indiana, and experimented in a form of communism. His son Robert Dale Owen, a product of Van Fellensburg's famous school at Hofwyl, took it over. In two years' time New Harmony had become new discord, and Robert Dale Owen joined forces with Frances Wright (Madame D'Arusmont), a vigorous, short-haired Scotswoman who had founded a community in Tennessee for the purpose of emancipating slaves. When that, too, came to an untimely end, Miss Wright became a lecture-platform apostle of women's rights, free inquiry in religion, free marital union instead of marriage, birth control, and an Owen-inspired system of ' National, Rational, Republican Education, Free for All at the Expense of All, Conducted under the Guardianship of the State ', apart from the contaminating influence of parents.

These ' Free Enquirers ' had attracted much unfavourable attention from the Northern press in 1829, when the artisans of New York City, at the end of a hard winter of unemployment, organized a Workingmen's Party for that State. Grateful for intellectual leadership, they eagerly accepted the aid of George Henry Evans, a young editor imbued with the agrarian ideas of Thomas Spence, and recently arrived from Herefordshire. Evans was also an ardent admirer of Owen and Miss Wright, who promptly joined the workingmen in the hope of capturing their support for ' National, Rational Education '. To the consternation of conservatives, the ' Workies ' polled thirty per cent of the total New York City vote in the autumn election. A press campaign at once began, hortatory towards the workingmen, denunciatory towards Miss Wright, the ' bold blasphemer and voluptuous preacher of licentiousness '. The printers' union repudiated this ' band of choice spirits of foreign origin ', and led a secession

from the party, which promptly broke up. Such was American labour's first and typical experience with intellectuals. For fear of another Owen and Fanny Wright, modern American labour parties have no Sidney or Beatrice Webb.[1]

2. *Trade Unionism*

In 1833, when a period of prosperity and increasing costs began, the American labour movement adopted the contemporary methods of British labour. Politics were abandoned in favour of trade organization, the closed shop, and the strike. Unionization was pursued so rapidly and widely as to include even seamstresses and mantua-makers. Trades' unions—federations of all the organized trades in a single community—were formed in twelve Northern cities; and in 1837, the year of Owen's 'Grand National', delegates from these cities organized a National Trades' Union.[2] Strikes became frequent, and on several occasions included not only the organized workers but the unskilled labourers of an entire city. The ten-hour day was established in several cities for municipal employees, and in the navy yards in 1836 by order of President Jackson.[3] Wages were generally improved, and conditions bettered. Harriet Martineau, visiting the Northern States at that time, took note of the well-nourished and intelligent 'dandy mechanic'.

Then came the panic of 1837, bringing unemployment and misery to the landless artisans. Wages fell

[1] Certain groups of the party joined the Democrats, who rewarded them by obtaining a mechanics' lien law, and the abolition of imprisonment for debt, in New York State; and these reforms led the way to similar laws in other States.

[2] In New England there was a futile attempt to organize a union of producers, on the model of the Grand National. A. B. Darling, in *Amer. Hist. Rev.*, xxix. 81–6.

[3] Extended to all federal employees in 1840.

thirty to fifty per cent, union funds were depleted, federations collapsed, and the ' dandy mechanics ' were glad to sell their ' gay watch guards and glossy hats ' for a bit of bread. Iron years followed, with long hours and lean wages, of which the workers were often mulcted by payment in kind ; years of sporadic, desperate strikes. The Lowell factory girls, speeded up by improved machinery, petitioned the Massachusetts legislature in vain to reduce their twelve-hour day to ten. Immigrants took their places, and by 1840 ' the white-gowned girls who marched to welcome Presidents, who talked so intelligently to foreign visitors, who wrote poetry and stories filled with classical allusions, were no longer found in the cotton mills '.[1]

3. *A Contest of Utopias*

All this convinced the American artisan, as the panic of 1825 had taught his English brother, that mere combination was futile at a moment of widespread trade depression.[2] He also began to question the value of his vote. Jacksonian Democracy had smashed the monster Bank, but it could not supply bread and butter. As they were searching for the root of the trouble, American labourers were approached by eager, earnest idealists, each with his peculiar vision of a new world in which men and women might lead free and happy lives, neither exploiting nor being exploited. So instead of trying to assimilate and humanize this new industrial order, both workers and thinkers dissipated their energy in efforts to escape it.

Almost every known panacea was applied, with the same meagre or negative results as in Europe. Josiah Warren, the first American anarchist, devised a system of ' time stores ' and ' labour notes ', inspired by the

[1] N. Ware, *The Industrial Worker*, p. 153.
[2] S. and B. Webb, *History of Trade Unionism* (1920), p. 112.

Owenite labour bazaars. During the period of unemployment many of the unions went in for producers' co-operation, others began consumers' co-operation about 1840; and from the mistakes and failures of these early efforts the later co-operative movement has learned much. Robert Owen returned in 1845, to summon a 'World Convention to Emancipate the Human Race from Ignorance, Poverty, Division, Sin, and Misery'. The typical experiment of this period was some sort of association, or community. Emerson wrote Carlyle that any one you met in the street might produce a new community project from his waistcoat pocket. Brook Farm, the transcendentalist community so happily described in Hawthorne's *Blithedale Romance*, became one of forty Fourierite 'phalanxes' in the Northern States. Cabet's *Voyage en Icarie* inspired several others, and there were many 'small, sour and fierce schemes',[1] one of which, the Mormon Church, alone survived. Like New Harmony, the associations of the forties solved nothing; but they gave friendship and creative joy to thousands of generous and sanguine souls, before acquisitive society sucked them back into its vortex.

Horace Greeley kept the columns of the New York *Tribune* hospitable to all these movements; but his best advice to the worker was: 'Go West, young man, go West!' Here was a point of contact with national politics. Public land at $200 the quarter-section was not for those who needed it most, but for those who had the price, or for squatters who defied all comers

[1] Emerson, 'Life and Letters and New England' (*Works*, Centenary ed., x. 352). 'Our feeling was', he writes, 'that Fourier had skipped no fact but one, namely, Life. He treats man as a plastic thing, something that may be put up or down, ripened or retarded, moulded, polished, made into solid or fluid or gas, at the will of the leader; . . . but skips the faculty of life, which spawns and scorns system and system-makers; which eludes all conditions; which makes or supplants a thousand phalanxes and New Harmonies with each pulsation.'

to dislodge them. George Henry Evans and Horace Greeley insisted that every man had the same natural right to a bit of land, as to air and sunlight. 'Equality, inalienability, indivisibility' were Evans's three points: a free homestead from the public domain to every settler; limitation of individual holdings; no alienation of the homestead, voluntary or otherwise. 'Vote yourself a farm' was his slogan.

The first free-homestead bill was introduced in Congress in 1846 by Andrew Johnson, a tailor's son of whom we shall hear more, in time. Northern Whigs and Southern Democrats combined to defeat it. In 1851 a *lex agraria*, limiting inheritance of land to 320 acres, passed a second reading in the Wisconsin legislature. But the average Western farmer and lawyer was a land speculator by nature. A 'very large and respectable meeting' at Milwaukee protested against this 'Licinian law, repudiated by Rome over 2,000 years ago'. It would 'blast the fair name' of that 'free State, where no privileged class exists, where . . . no system of agricultural tenancy can ever find its way'.[1] The bill did not pass.

Yet, for all the paucity of results, the labour movement in America, whether political, collectivist, or revolutionary, received more public sympathy than in England, and met with less violence. There was no parallel to the drastic punishment of the Dorchester labourers, or to the murderous activities of the Glasgow cotton-spinners. If American judges found criminal conspiracy in trade union activities, their sentences were in the form of fines that were easily paid by labour sympathizers. And Chief Justice Shaw of Massachusetts, in the memorable case of Commonwealth *v.* Hunt (1842), declared that a trade union was a lawful organiza-

[1] Commons, *Doc. History*, viii. 56–8. In 1920 only 14 per cent of the Wisconsin farmers were tenants, as compared with 43 per cent in Illinois and Nebraska. (*Fourteenth Census*, v. 388.)

tion, the members of which were not collectively responsible for illegal acts committed by individuals; and that a strike for the closed shop was legal.[1] Jefferson had so firmly grounded his ideals of a simple agrarian society that very many Americans still regarded as alien and hideous the new industrial order, which their descendants have come to reverence as an American institution. Yet, by the same set of ideas, the American of 1840 could not use government as an instrument for social purposes. He permitted industrialism to cut deeper in those communities on which it fastened than even in England. Farmers could not see why factory operatives should work shorter hours than themselves; and perhaps feared that their own 'hired men' would demand the ten hours' day. The only Factory Acts passed by the States before the Civil War related to the hours of child labour,[2] and were inspired largely by a desire to give all children an opportunity for education.

4. *Popular Education*

The most tangible social gain during this period of ferment was in education. Since the War of Independence education had been left largely to private initiative and benevolence. Secondary academies and colleges had been founded, and in this the South was ahead of the North. But almost all these institutions charged fees. Elementary education, in which America

[1] His first point became permanently established in American law: the principle of his second has been cut into by many legal decisions since the adoption of the Fourteenth Amendment.

[2] The Massachusetts Act of 1836, which is often called the first American Factory Act, forbade the employment of children under fifteen 'in any incorporated manufacturing establishment' unless he had attended school at least three months the preceding year. The earliest provision for factory inspectors was made by Massachusetts in 1867.

now excels, was then the most neglected branch. Most of the Northern States had some sort of public primary school system, but only in New England was it free and open to all. In some instances a child had to be taught his letters before he was admitted to one of these schools, and in others only those pleading poverty were exempted from fees. In addition the Quakers and other philanthropic bodies maintained charity schools for the poor. Consequently a stigma was attached to free schools,[1] as to the English board schools. In New York City, around 1820, nearly half the children went uneducated because their parents were too poor to pay fees, and too proud to accept charity.

Opposition to free public education came from people of property, who thought it intolerable that they should be taxed to support common schools to which they would not dream of sending their children.[2] To this argument the poor replied with votes, and reformers with the tempting argument that education was insurance against radicalism. New York City in 1832, and Philadelphia in 1836, established elementary public schools free from the taint of charity; and by 1850 primary education was within the reach of almost every white child in the more settled Northern States.[3]

In the newer States, beginning with Ohio, frontier poverty was eked out by school funds, formed from the proceeds of public land granted by the Federal Government. Some of these funds were mismanaged or inade-

[1] See the Workingmen's Party committee report on education, Commons, *Doc. History*, v. 95–107.

[2] A leading Philadelphia newspaper in 1830 argued, further, that the hope of earning the means for educating one's children was 'one of the chief excitements to industry', free schools would be a 'premium for comparative idleness'. *Ibid.*, 111–12.

[3] Fees were not entirely abolished in the public schools of New York State until 1867. The Pennsylvania Public School Act of 1834 was optional, and the German-speaking districts generally refused to take advantage of it.

quate ; and the older pioneers of the Kentucky breed had a positive prejudice against book-learning. As an excellent couple of this sort remarked to a Yankee pioneer in Illinois, they ' didn't think folks was any better off for reading, an' books cost a heap and took a power of time. 'Twant so bad for men to read, for there was a heap of time when they couldn't work out and could jest set by the fire ; and if a man had books and keered to read he mought ; but women had no business to hurtle away their time, 'case they could allus find something to do, and there had been a heap of trouble in old Kaintuck with some rich men's gals that had learned to write.' [1] Indiana was leavened by New Harmony. Robert Dale Owen, who remained in the State, helped to convert the ' Hoosier ' population to free schools ; and established free ' travelling libraries ', boxes of the English classics which made the rounds of the villages until read into bits. Probably that is the reason why Indiana, alone of the middle western States, produced a native literature before the end of the nineteenth century.

In the New England States the first problem was to make efficient the colonial system of free elementary schools, maintained by the townships, and taught by birch-wielding pedagogues or muscular undergraduates in their vacations. Horace Mann, a gifted politician who preferred the uphill work of reform to the applause of the Senate, sought efficient methods in Europe, and found them in Germany. Victor Cousin's report on Prussian education (1833) was translated and widely read in the United States, and its principles adapted to American needs, when Horace Mann became chairman of the Massachusetts Board of Education. He and his able coadjutors combined the enthusiasm of Owen with an intellectual balance that brought permanent

[1] Mrs. Tillson, *A Woman's Story of Pioneer Illinois*, p. 82. Cf. Mrs. John A. Logan, *Reminiscences of a Soldier's Wife*, p. 5.

results. Under Mann's influence the first American normal school for training teachers was established in 1839. After a struggle with the older teachers, who insisted that mental discipline would be lost if studies were made interesting, the elementary school ceased to be a place of terror. Massachusetts also set the example in free public high schools;[1] but until after the Civil War the majority of American pupils following a secondary course were in the endowed academies.

In higher education this period saw the multiplication of small denominational colleges—there were over 150 of them in existence in 1840—and the transformation of the older colleges into universities. This process was not effected by founding other colleges in the same town, for Oxford and Cambridge had not yet lived down their eighteenth-century reputation; but by adding new faculties of law, medicine, theology, and science to the original faculty of arts and letters. George Ticknor and other Harvard men who followed post-graduate studies in Germany induced their mother university to make the course for the bachelor's degree more flexible and varied, to establish professorial chairs, and make a greater use of lectures. Although they charged tuition fees, American colleges were yet so simple, and so faithful to the puritan ideal of plain living, that any poor lad of parts could earn his way through to a degree. Michigan established the first of the free state universities in 1837, and the University of Wisconsin was founded at Madison in 1848, on a wilderness site crossed by Black Hawk's warriors only fourteen years before. Oberlin College, Ohio, opened its doors to women as well as men in 1833, and

[1] The term high school was probably derived from the Edinburgh High School, whose excellent system of education and free intercourse between young persons of all ranks was well advertised by Dr. John Griscom's *Year in Europe* (1823) and Lord Brougham's *Practical Observations*, reprinted at Boston in 1825.

Mary Lyon established the first American woman's college, the Mount Holyoke Female Seminary, in 1836; but higher education for women was unusual before 1880, and until even later remained under a social stigma in the Eastern States.

Adults were not neglected in this educational awakening. In all the cities and larger towns mechanics' institutes provided vocational courses and night schools. Free public libraries were very generally established. In towns, and even villages, the Lyceums—voluntary associations very similar to the 'Lit. and Phil.' societies of England—offered popular lectures, scientific demonstrations, debates, and entertainments. Under their auspices the Northern American acquired his astounding capacity for attending lectures. The reading habit was greatly aided by mechanical improvements in printing, which made possible the penny (one-cent) press, one-sixth the usual price of an American daily paper, and one-half of the stamp duty alone on English daily papers after 1836. The New York *Tribune*, Baltimore *Sun*, and Philadelphia *Ledger*, started as penny newspapers in the forties. They were by no means rowdy sheets like the scandalous New York *Herald*, but journals of information, including pirated English novels in serial form; and the *Tribune*, under Horace Greeley's editorship, became a liberal power of the first magnitude.[1]

By 1850, then, there had been formulated, and to some extent established, the basic principles of American education to-day: (1) that free public primary and secondary schools should be available for all children; (2) that teachers should be given professional training;

[1] A quotation from the *Ledger* in 1842 is revealing as to contemporary values: 'Instead of paying the price of a beef-steak for his newspapers, the poor man will have his newspaper and his beef-steak.' English visitors of the period invariably remarked, and usually deplored, the fact that shop-assistants, mechanics, and even common labourers took in daily journals.

(3) that all children should attend school up to a certain age, but not necessarily the free public school; religious and other bodies having complete liberty to establish their own educational systems, at their own cost. Huxley's test of a national system, 'a great educational ladder with one end in the gutter, and the other in the university', was satisfied. Quality had not been sacrificed to quantity: the public elementary schools of 1850 were generally superior to the private schools of 1820. Yet these reforms were in method and expansion rather than in spirit. Richard Price's exhortation to the American schoolmasters of 1785, to 'teach *how* to think rather than *what* to think', was frankly ignored in the numerous academies and colleges under sectarian control, and imperfectly apprehended in the public schools and universities, unless by teachers who had received a spiritual rebirth from transcendentalism.

XXXII

EMANCIPATION

1820–50

1. *Transcendentalism and Literature*

JUST as the Virginia galaxy of political theorists was flickering to a close, the same revolutionary spirit that inspired them lighted a new constellation in a higher latitude. The year 1836, when Emerson published his *Essay on Nature*, may be taken as the focus of a period in American thought corresponding to 1776 in American politics.

Transcendentalism [1] is the name generally given to this manifestation of the revolutionary spirit in the Northern States between 1820 and 1860. It may be defined as an intellectual overtone to democracy, a belief in the divinity of human nature. The new spirit appeared in some men as intense individualism, in others as a passionate sympathy for the poor and oppressed. It gave to Hawthorne his deep perception of the beauty and the tragedy of life, to Walt Whitman his robust joy in living. Transcendentalism touched the labour movement on its revolutionary side, the anti-slavery movement on its positive side; it inspired the majority of American men of letters who flourished between 1820 and 1860; [2] and almost every aspect of

[1] In one sense transcendentalism was merely a philosophical-religious cult akin to New-Platonism, and but one aspect of a larger humanitarian and revolutionary movement. Following Professor Harold C. Goddard's illuminating essay in the *Cambridge Hist. of Amer. Lit.*, i. 326, it is here to be understood as the spirit underlying every aspect of this movement.

[2] The notable exceptions are some of the New England scholars and historians, such as Prescott, Motley, Ticknor, and Bancroft, the 'Knickerbocker group' in New York (Washington Irving, Fenimore Cooper, &c.), Edgar Allan Poe, and the Southern novelists, such as William Gilmore Simms.

it may be found in Emerson, who perfectly embodied the essential spirit, a belief in the soul's inherent power to grasp the truth. Historically speaking, transcendentalism was a movement to liberate America spiritually, as independence and democracy had liberated her politically; an attempt to make Americans worthy of their independence, and elevate them to a new stature among the mortals.

It may have been a mere accident that this outburst of intellectual activity occurred largely within a fifty-mile radius of Boston, during a single generation. Transcendentalism has been called the inevitable flowering of the puritan spirit; but puritanism does not necessarily bear blossoms, and the fruit thereof is often gnarled and bitter. In New England, however, the soil was conserved by a bed-rock of character, mellowed by two centuries of cultivation, and prepared by Unitarianism. The puritan ministers in and about Boston had by 1800 almost converted their congregations to a more liberal faith than Calvinism, when Boston Federalism checked the flow of sap, fearful lest it feed flowers of Jacobin red. There was just time for a gorgeous show of blossom and a harvest of wine-red fruit, between this late frost and the early autumn blight of industrialism.

Unitarianism and her humbler sister Universalism [1] took a great weight off the soul of New England. Longfellow's 'Psalm of Life' which seems so trite nowadays,

> Life is real! life is earnest!
> And the grave is not its goal;
> Dust thou art, to dust returnest,
> Was not spoken of the soul.

came as a message of hope to thousands of young people

[1] The difference between the two in New England was thus humourously stated: 'The Universalists believed God was too good to damn them: the Unitarians believed that they were too good for God to damn.'

reared in the fear of everlasting damnation. Yet something was lacking in mere Unitarianism. A faith in the essential goodness of human nature might be a theological counterpart to democracy; but it failed to supply the note of mysticism that democrats, no less than hinds and princes, seek in religion.

The historical function of Unitarianism in America was to pave the way for transcendentalism, and to liberate the minds of the well-to-do; to provide a church for rationalists. That church has been prolific in men of letters and reformers. But its direct influence did not go wide of the New England settlements, or deep even within them. Holmes's 'One-Hoss Shay' was a symbol of the sudden crumbling of Calvinism; but Calvinism collapsed only in Eastern Massachusetts. Congregationalists, Presbyterians, Methodists, and Baptists howled down the Unitarians as atheists, and maintained their hold on the masses. The immigrants, with some notable exceptions among the Germans, remained loyal to Catholicism or to other old-country faiths, and the Episcopal churches were of social value largely as a refuge. Harvard fell into Unitarian hands as early as 1806; but Yale clung to the five points of Calvinism, and some of the little Western offshoots of Yale became centres of obscurantism, like the Presbyterian colleges of the South.[1] Even at Harvard the odour of brimstone lingered.

Emerson in 1832, at the age of twenty-nine, laid down his pastoral office in the Unitarian church because it no longer interested him. In his next four years of reading and travel, he found God again in nature; and settled down as 'lay preacher to the world'[2] in the

[1] The Unitarians did not proselytize, or conduct missionary enterprises. The Home Missionary movement, which did a great work in planting frontier churches, was under Calvinist or other evangelical auspices.

[2] Paul Elmer More, in *Camb. Hist. Amer. Lit.*, i. 351.

placid village of Concord, where nature had been tamed into some semblance of the English countryside. Concord was typical of New England in that it contained a small group of sanguine, wide-reading, deep-thinking men and women; it was exceptional in harbouring during one generation Emerson, Hawthorne, Thoreau, and with lesser lights such as the Alcotts and W. E. Channing.[1]

If Jefferson was the prophet of democracy, Emerson was its high priest. Both believed ardently in the perfectibility of mankind; but Emerson knew what Jefferson never learned, that free institutions would not liberate men who were not themselves free. His task was to induce Americans to cleanse their minds of hatred and prejudice, to make them think out the consequences of democracy instead of merely repeating its catchwords, and to seek the same eminence in spirit that they had reached in prosperity. He founded no cult and gathered no disciples, because what he said did not go from any wish to bring men to himself, but to themselves.

Of the Concord group, Henry Thoreau was the best classical scholar, and the most independent of classical modes of thought. Concord for him was not only a Selborne, but a microcosm; and his revolt was not against a dying Church, but against a society so confident and vigorous that it could afford to ignore him. His genius was little appreciated in his own country until our own times, when he would not be allowed to enter that country as an immigrant. Hawthorne, a sojourner in Concord, wrote tragedies of New England life that penetrate to the core of all human life.

In these three men, Emerson, Thoreau, and Haw-

[1] The atmosphere of mid-century Concord is preserved in *Little Men* and *Little Women*, which Louisa Alcott wrote in order to maintain her transcendental father and his family after the failure of the 'Fruitlands' community.

thorne, and in Herman Melville, the New England that had slowly matured since the seventeenth century justified herself. Immigration then diluted and industrialism dissolved a society that had made such men possible. New England ceased to be a state of mind, and became a mere group of States.

The New England intellectuals had more to say than their New York predecessors, such as Irving and Cooper; but they also conveyed it in traditional forms. 'We all lean on England', wrote Emerson. Not until 1851 did a distinctive American literature, original both in form and content, emerge with *Moby Dick*. Four years later, with Emerson's blessing, *Leaves of Grass* began to sprout. Walt Whitman, half Yankee half New York Dutch, had grown up outside the ambit of New England respectability, in direct and intimate contact with the crude realities of American life. In the 'barbaric yawp' that has so deeply influenced the poetry of to-day, Walt Whitman sang the common American and his life in seaport, farm, and frontier.

Walt Whitman was the poet of democracy, but Professor Longfellow was, and is, democracy's favourite poet. The American people, when they read poetry, wished to be lifted out of themselves by verses that rhymed or at least scanned, into a world of romance and beauty. Especially the American woman, who derived little satisfaction from the activity of her lord and master, and was beginning to dream dreams of her own. Mostly she took the line of competitive display, which only forced her husband to quicken his pace; but partly she turned to the Old World for advice. Hence the feminine stamp to American culture.

Hawthorne and Whittier and Longfellow felt that craving themselves, and filled it for others: Hawthorne by his *Marble Faun* and *Wonder Book* of classical myths, Whittier and Longfellow by creating legends from early American history, Longfellow especially by

popularizing Old World stories, and translating Dante. Most of his verse is evenly second-rate, but the music of it was tuned to catch the ear of a busy and unlearned people. Longfellow, 'poet of the mellow twilight of the past', as Whitman called him, 'poet of all sympathetic gentleness—and universal poet of women and young people',[1] had more influence on his generation than any American man of letters save Emerson.

2. *Humanitarianism and Abolition*

'The ancient manners were giving way. There grew a certain tenderness on the people, not before remarked.'[2] Throughout the Northern States, as well as Maryland and Kentucky, imprisonment for debt was abolished; and the rigours of prison life were softened. Whipping was outlawed in most of the States, although by no means stamped out; flogging was abolished in the Navy in 1850, by Act of Congress. Public and private charitable institutions multiplied. Owing largely to the efforts of Dorothea Dix, the insane were removed from jails and outhouses and placed in asylums. Samuel G. Howe, after fighting for Greek independence, returned to America with ambitious plans for the education of the blind, which were largely realized. Elihu Burritt tried to capitalize the new tenderness for his World-Peace Movement, without much success. More popular was the brisk campaign against Demon Rum, undertaken by certain evangelical sects. The prohibitory laws that were passed proved premature;[3] but their educational work did considerably modify the drinking habits of the people.

[1] *Specimen Days*, 3 April 1882.

[2] Emerson's *Works*, Centenary ed., x. 325.

[3] Maine passed a prohibitory law in 1850, and never repealed it; twelve other States had followed suit by 1857, but all of them backslid; and by 1860 local option was the usual system of the Northern States.

Of all these humanitarian and reform movements, the one that shook the Union to its foundation sought the abolition of slavery. An earlier anti-slavery movement, offshoot of the American Revolution, won its last victory in 1807 when Congress passed an Act against the slave trade. The Quakers kept up a mild and ineffectual protest, while the cotton gin was creating a new vested interest in slavery ; and in 1820, as we have seen, the last effort to stay the westward advance of slavery was defeated by the admission of Missouri.

The older generation of Virginia statesmen, foreseeing the tragedy of 1861, endeavoured in vain to arouse their people. Few Virginians or indeed Americans would contemplate emancipation, unless at the same time they could get rid of the coloured population. Free negroes were felt a nuisance and a menace throughout the United States.[1] Most of the Northern States had severe laws against their immigration ; most of the Southern States allowed benevolent masters to manumit their slaves only on condition of their removal. Yet the cotton States gagged at emancipation, even when sweetened by compensation and deportation.

The American Colonization Society, supported largely by slave-owners of Virginia, Maryland, and Kentucky, proved that this last method was practical on a small scale. In 1827, after ten years of private effort, the Society sought a congressional appropriation towards colonizing negroes in Liberia, adjoining Sierra Leone. All the northernmost tier of slave States passed favourable resolutions, but the cotton States prevented anything being done. The Georgia Legislature resolved that ' not only the retention, but the increase of the

[1] Channing, *U.S.*, v. 130–5. The controller of public schools in Philadelphia opened the first school for coloured children in 1822, almost apologizing to the public for doing something for ' this friendless and degraded portion of society '. In general the Northern negroes were confined by public opinion to menial or repulsive occupations.

slave population' was essential to their welfare: that the colonization project was 'wild, fanatical and destructive'. They had only remained silent hitherto under the impression that the Society's object was 'limited to the removal beyond the United States of the *then* free people of colour and their descendants, and none others'.[1] Limited in resources, and attacked by extremists from both sides, the Colonization Society could do little to solve the problem, although that little was well done. By 1831 it had returned to Africa only a fraction of the number stolen thence in the same period by American slave traders; only as many negroes as were born into slavery in the United States every four months.[2]

When Jackson became President in 1829, moral suasion against slavery appeared to have spent its force. 'The

[1] Ames, *State Docs. on Fed. Relations*, p. 211. Similar proposals from other quarters met with a similar attitude (pp. 203–10). The Ohio Legislature, in 1824, proposed that all slaves at the age of 21 be given the choice of servitude in America, or colonization in Africa at federal expense. Seven free States and Delaware endorsed the plan; the five cotton States and Missouri rejected it, South Carolina declaring 'that the people of this State will adhere to a system descended to them from their ancestors, and now inseparably connected with their social and political existence'. Rufus King, in 1825, proposed in the Senate that the proceeds of public lands be used for negro colonization. His bill was indignantly rejected. Governor Troup of Georgia declared that King belonged to a 'combination of fanatics for the destruction of everything valuable in the Southern country'. The British Abolition Act of 1833, freeing 800,000 slaves at one stroke, was followed by so much economic and social disturbance in the West Indies that the South was less inclined than ever to adopt compensated emancipation.

[2] The number was 1,420, of which only 73 were from the cotton States, and only about two hundred had been given their liberty on the condition of removal. By 1855, however, the Society had been instrumental in emancipating about 3,600 slaves, and the number was almost doubled during the following decade. E. L. Fox, *The American Colonization Society* (Johns Hopkins Univ. Studies, ser. xxxvii, 1919), pp. 89, 211. Statistics of decennial increase of slave population are in *Century of Population Growth*, p. 133.

voice of the churches was no longer heard in protest: the abolitionist societies were dying out.'[1] Apathy could hardly have been more complete, when on 1 January 1831, the first number of the *Liberator* appeared in Boston, printed on borrowed paper with borrowed type, by William Lloyd Garrison. On the first page he announced:

'I shall strenuously contend for the immediate enfranchisement of our slave population. . . . On this subject, I do not wish to think, or speak, or write, with moderation. . . . I am in earnest —I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD.'

Therein spoke the Old Testament, not the New. With Emerson, Garrison had less in common than with Stonewall Jackson. Single minded he sought the same goal as Wilberforce, but by methods that would have broken Wilberforce. Garrison was all contradiction: a fighting pacifist, an aggressive non-resistant who spurned even politics as a means, but employed language that made impossible the peaceful attainment of his ends. Garrison's policy was to hold up the most repulsive aspects and exceptional incidents of negro slavery to the public gaze; to castigate the slaveholders and all who defended them as man-stealers, torturers, traffickers in human flesh. He would recognize no rights of the masters, acknowledge no colour problem, tolerate no delay.

Blackguarding the slaveholders would have made few converts in the South at any time, but least of all at that time. The Nat Turner slave insurrection, in which over fifty whites were murdered, occurred in August 1831. Prominent Southerners at once asserted that the *Liberator* was responsible, and demanded that the Northern States, if they valued the Union, should suppress this incendiary agitation.

Every effort short of press censorship was made in

[1] A. B. Hart, *Slavery and Abolition*, p. 165.

the North to satisfy the South on this point. Garrison wrote that he ' found contempt more bitter, opposition more stubborn, and apathy more frozen ' in New England than among slave-owners themselves. The workmen, especially the Irish labourers who competed with free negroes, broke up abolition meetings, with the warm approval of the respectable press. A ' broadcloth mob ' of business men forced Garrison on one occasion to seek safety in the Boston jail. One abolitionist was murdered in Illinois ; few dared to cross the Ohio, or Mason and Dixon's line. Northern gentlemen like Wendell Phillips who joined the cause were black-balled at clubs and forsaken by their friends. Northern ministers who showed sympathy with them lost their pulpits. Philanthropists who established schools for coloured children were hampered with lawsuits, or deterred by force. Yet the sect grew, and throve on opposition. In 1836 there were more than five hundred abolition Societies in the Northern States, and by 1840 their membership was over 150,000. Whittier's pen was already consecrated to the movement : presently James Russell Lowell would lend his gift of bitter satire.

Just as Wilberforce was called hypocrite by the English radicals, so Garrison was denounced by the American associationists and other reformers for his singleness of aim, his assumption that slavery was the great evil. What boon would freedom be to the slave, they asked, if obtained without due preparation on his part, or his master's ? What use to abolish chattel slavery if wage slavery were left ? To which the abolitionists replied that there could be no social reform in a nation that held one-sixth of its people in bondage, that the evils of slavery touched every one in the land, that white labour could never be secure until slave labour were abolished. Abraham Lincoln, although never an abolitionist, finally came round to this view ; and the Lancashire operatives saw the point in 1863.

Garrison inspired more than he led. The American abolitionists included very different sorts of people. Many Quakers of Pennsylvania, some of them old enough to remember John Woolman, recovered their antique zeal in this new cause. Denied the use of the public rooms in Philadelphia, they built them a sort of Exeter Hall, only to lose it by arson a week after completion. William Jay, son of the Chief Justice, and the Tappans, the Cheeryble brothers of New York, gave their wealth and sacrificed their social comfort to support the cause in that State, where no cause could long keep out of politics. It was they who organized the Liberty Party, to nominate James G. Birney, a converted Alabaman slaveholder, for the Presidency in 1840. The middle-western abolitionists founded at Oberlin the first American college that welcomed negroes; they elected Joshua R. Giddings, the first abolitionist Congressman, and did the most effective work in aiding slaves to escape from bondage. All the abolitionists saw eye-to-eye on the principle of immediate uncompensated abolition;[1] and many received negroes as equals at their meetings and in their houses. Most of them repudiated Garrison's extreme methods, and only a few followed him in denouncing the Constitution, and advocating a Northern secession. But it was the editor of the *Liberator*, mild in manner and soft of voice, yet driven by a fierce passion for righteousness to pen words that cut and burned, who personified this new and dreadful force to the entire South.

Owing perhaps to their Quaker connexion, the abolitionists preceded other reformers in permitting women

[1] In Northern American usage, abolition meant just that. Those like Channing, J. Q. Adams, and Lincoln, who believed in gradual emancipation with the consent of the master, or who proposed to leave the Southern States to deal with slavery in their own way, while opposing its extension westward, called themselves Anti-slavery men; but the national abolitionist organization was called the American Anti-Slavery Society. Its constitution is printed in Macdonald, *D. S. B.*, p. 354 (*S. D.*, p. 304).

to address their meetings and serve on committees. Lucretia Mott of Philadelphia, and the Grimké sisters, gentlewomen of South Carolina who freed their slaves and came north to obtain freedom of speech, were counted among the leaders. Frederick Douglass, an escaped slave of remarkable mental powers, was the first of several fugitives who wrote or dictated their memoirs. There was a close connexion also with the English abolitionists. Garrison visited England in 1833, just in time to meet the dying Wilberforce ; and twice again in the forties. He spoke in Exeter Hall, and obtained generous support both material and spiritual. Return visits of English abolitionists like Joseph Sturge, and severe arraignments of American slavery by English writers like Dickens, were a doubtful aid to the cause, seeming to identify it with ' British propaganda '.[1] An address signed by Daniel O'Connell, Father Matthew, and seventy thousand Irishmen, enjoining their fellow countrymen in America to love liberty and hate slavery, was received with contumely by Irish-Americans who never failed to respond to anti-British appeals from that quarter. Yet this constant intercourse and mutual aid led to a sort of English-speaking union between humane and liberty-loving persons in each country.[2] An alliance that counted in 1861–5 ; perhaps even in 1914–18.

Excepting that lonely fanatic John Brown, no abolitionist attempted to incite a slave insurrection ; but every abolitionist took part in a conspiracy of evasion. The ' grape-vine telegraph ' carried news to the blacks of an ' Under Ground Railroad ' to liberty. The very few slaves who had the courage to strike out for freedom would take cover in the woods or swamps near

[1] See the extraordinary diatribe by Henry A. Wise of Virginia on the theme of British gold subsidizing the Abolitionists to break up the Union, in *Congressional Globe*, xix. 172 ff. (27th Congress, 2nd Session) ; cf. George Ticknor's *Letters and Journals* (1877), ii. 285.

[2] J. J. Chapman, *Garrison*, p. 245.

their master's plantation until the hue and cry were over, then follow the North Star to Mason and Dixon's line, or the Ohio river. Once across, the 'U.G.' took them in charge. They were transferred from one abolitionist household to another, hidden by day in cock-lofts or haystacks or the tent-like shocks of Indian corn; piloted by night through the woods, or concealed in farm wagons; sometimes driven in a Friend's carriage, disguised in women's clothes and a deep Quaker bonnet. Others were smuggled North by sea, and made their way into Canada through the New England States. The total number of slaves thus rescued was not large, and their proportion to the total slave population was infinitesimal.[1] Yet if measured by the stimulus it gave the abolitionist cause, and the rage it aroused in the breasts of Southern slaveholders, the 'Under Ground' was a brilliant success.

Conducting the 'U.G.' was dangerous business. Pursuit was often hot and ruthless, the pursuers had the law on their side even where opinion was against them. In the southern, pro-slavery counties of Indiana and Illinois, men suspected of harbouring runaways were apt to have their houses burned, their persons tarred and feathered. Without the manly zest and generous adventure that the 'U.G.' afforded, the cause of emancipation might well have languished for want of sap. Fugitive slaves, moreover, gave the abolitionists a handle to work both on public opinion and on the Federal Government. One cringing black produced at a public meeting made more converts than hours of oratory and bushels of tracts.[2]

[1] The number of successful fugitives reported in the census of 1850 for that year was 1,011, or 0·03 per cent of the slave population; for South Carolina the proportion was less than 0·005 per cent. In 1860 only 803 slaves escaped. J. C. G. Kennedy, *Preliminary Report of Eighth Census* (1862), p. 137.

[2] For bibliography of the 'U.G.', see Hart, *Slavery and Abolition*, p. 341.

By a federal statute of 1793, a master or his agent, who caught a runaway in a free State, could repatriate him forcibly after swearing to his identity before a magistrate. A professional slave-catcher whom the right nigger eluded was apt to conclude that any nigger would answer. Kidnapping became so frequent that Pennsylvania (1825) and other Northern States passed 'personal liberty laws' to protect their free coloured citizens. The abolitionists cleverly turned the local resentment against kidnapping, and the Northern dislike of domineering Southerners, into a public opinion against the return of genuine fugitives. A plain duty to sister States became a shameful truckling to the 'slave power' as Whittier presented it:

We hunt your bondsmen, flying from Slavery's hateful hell;
Our voices at your bidding take up the bloodhound's yell;
We gather, at your summons, above our fathers' graves,
From Freedom's holy altar-horns to tear your wretched slaves!

Gradually the personal liberty Acts were strengthened to a degree that made a runaway's identity almost impossible to establish. The Supreme Court invalidated a Pennsylvania law of that description in 1842. But if the States had no right to obstruct, by the same token they had no obligation to assist, the federal authorities;[1] and without such assistance the slave-catchers began to receive the attention of mobs, more often than abolitionists. A runaway from Virginia was forcibly rescued from his captors in Boston in 1843, and his freedom purchased by a popular collection. The abolitionists for the first time voiced a popular sentiment, when Whittier declared:

No slave-hunt in our borders—no pirate on our strand!
No fetters in the Bay State—no slave upon our land!

Southerners played into the abolitionists' hands by stifling criticism of slavery when they had the power,

[1] Prigg *v.* Pennsylvania, 16 Peters 539; an important principle in American constitutional law, apart from the slave question.

and by demanding its suppression where they had not; for Northerners who were indifferent to slavery, and disliked negroes, still valued freedom of speech, of the press and of petition. In 1835 Abolition began to influence national politics, when a Pennsylvania Quaker meeting petitioned the Senate to abolish slavery and the domestic slave trade in the District of Columbia. Washington was then a point for shipping blacks from Virginia and Maryland to the cotton States. Even from the windows of the Capitol one could watch coffles of slaves marching by, to the music of clanking chains. Why, as Henry Clay inquired, should Northern members 'be outraged by a scene so inexcusable and detestable'? [1] Because the slave States felt that Washington was a strategic outpost of their principles, to be held at all costs. Senator Calhoun declared that any intermeddling with slavery in the federal district would be 'a foul slander on nearly one-half the States of the Union'; [2] and all such petitions were rejected. Other abolitionist petitions, not always so limited in their scope, came pouring in on the House, which at the insistence of the Southern members passed the 'gag resolution', a rule to the effect that all petitions having to do with slavery, whether within or without the legislative competence of Congress, be laid upon the table.

Ex-president Adams, then a member of Congress, was not an abolitionist; but the gag rule awakened in him memories of Stuart tyranny. It was a thing to be resisted in its prime, like taxation without representation. Session after session he fought for the right of petition, using his deep knowledge of parliamentary practice and rich resource in harsh and bitter eloquence.

[1] *Works* (Federal ed.), iii. 326.

[2] Calhoun, *Works* (1859), iii. 141, 179. Congressman Johnson of Maryland accused the petitioners of wishing 'to establish here a citadel of abolition, from which predatory excursions may be made upon the institutions of the neighbouring States'. *Niles's Register*, lix. 173.

Every attempt short of personal violence was made to silence, to censure, or to expel Adams; but the tough old puritan persisted. The Northern States finally forced their representatives to support him, and in 1844 the gag rule was abandoned. It made no difference to the slaves. But on the day when the news reached South Carolina, the leading Whig newspaper of Columbia discontinued printing instalments from Washington's Farewell Address, and substituted an appeal for secession.

How, then, shall we estimate the abolitionists? Their sincerity and courage is no longer denied by friend or enemy; of their wisdom no enemy was ever convinced, and many friends are now doubtful. Channing predicted in 1835 that Garrison had only succeeded in stirring up 'bitter passions and a fierce fanaticism which have shut every ear and every heart against arguments'. Yet, as one of his followers answered Channing:

'We are not to blame that wiser and better men did not espouse . . . the cause of our oppressed, colored countrymen. . . . We Abolitionists are what we are—babes, sucklings, obscure men, silly women, publicans, sinners, and we shall manage this matter just as might be expected from such persons as we are.' [1]

Certain it is that they closed every avenue to emancipation save civil war: their means almost defeated their end. Abolition came in spite of the abolitionists rather than because of them; and in the worst way. But could it have come in any other way? [2] Garrison broke

[1] J. J. Chapman, *Garrison*, p. 83.

[2] It is sometimes said that Virginia was within an ace of emancipation in 1831–2, when Garrison's intemperate attitude stiffened the slaveholders, and defeated the movement. This thesis is presented very plausibly in B. B. Munford, *Virginia's Attitude toward Slavery and Secession*. (Longmans, 1909.) What actually happened is this: The Nat Turner insurrection aroused public opinion in two opposite directions: abolition, and a more stringent slave code. Some members of the old liberal families combined with western Virginians in the State Legislature of 1831–2 to push for the principle of gradual eman-

a great conspiracy of silence. His indignant pity seared the Northern conscience with the image of a slave cowering under his master's lash—but at what cost in hatred, bloodshed, and uncharitableness!

Two generations have elapsed since the thirteenth federal amendment destroyed chattel slavery on United States soil. We now know that the slavery question was but one aspect of a race and colour problem that is still far from solution. The grapes of wrath have not yet yielded all their bitter vintage.

cipation. A committee to which petitions in that sense (mainly from western Virginia) had been referred, reported that action thereon was inexpedient. W. B. Preston, a westerner, then moved 'it is expedient to adopt some legislative amendment for the abolition of slavery'. This motion was defeated, 58 to 73; the ayes coming almost exclusively from members of the Upper Shenandoah valley and the western counties. Subsequently, in January 1832, a bill was brought in for the colonization of free negroes, and of such as might subsequently be freed by their owners. This passed the House, but was lost by a single vote in the Senate. The assumption (*a*) that this defeat was due to Garrison finds no support in contemporary reports of the debates; the assumption (*b*) that this bill would have proved the beginning of the end of slavery in Virginia and the border slave States falls by a simple reference to the work of the American Colonization Society. There were already 47,000 free negroes in the State, and the bill carried an appropriation of only $925,000; it had cost the Colonization Society almost that to transfer 1,162 negroes to Africa. Further, similar bills with smaller appropriations were subsequently passed, and a certain amount of colonization went on under State control until the Civil War. C. H. Ambler, *Sectionalism in Virginia* (Univ. of Chicago Press, 1910), pp. 185–200, gives the most accurate account of this episode, and shows that its real significance was a sectional struggle of Shenandoah valley and mountain yeomen against the planters of piedmont and tidewater.

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